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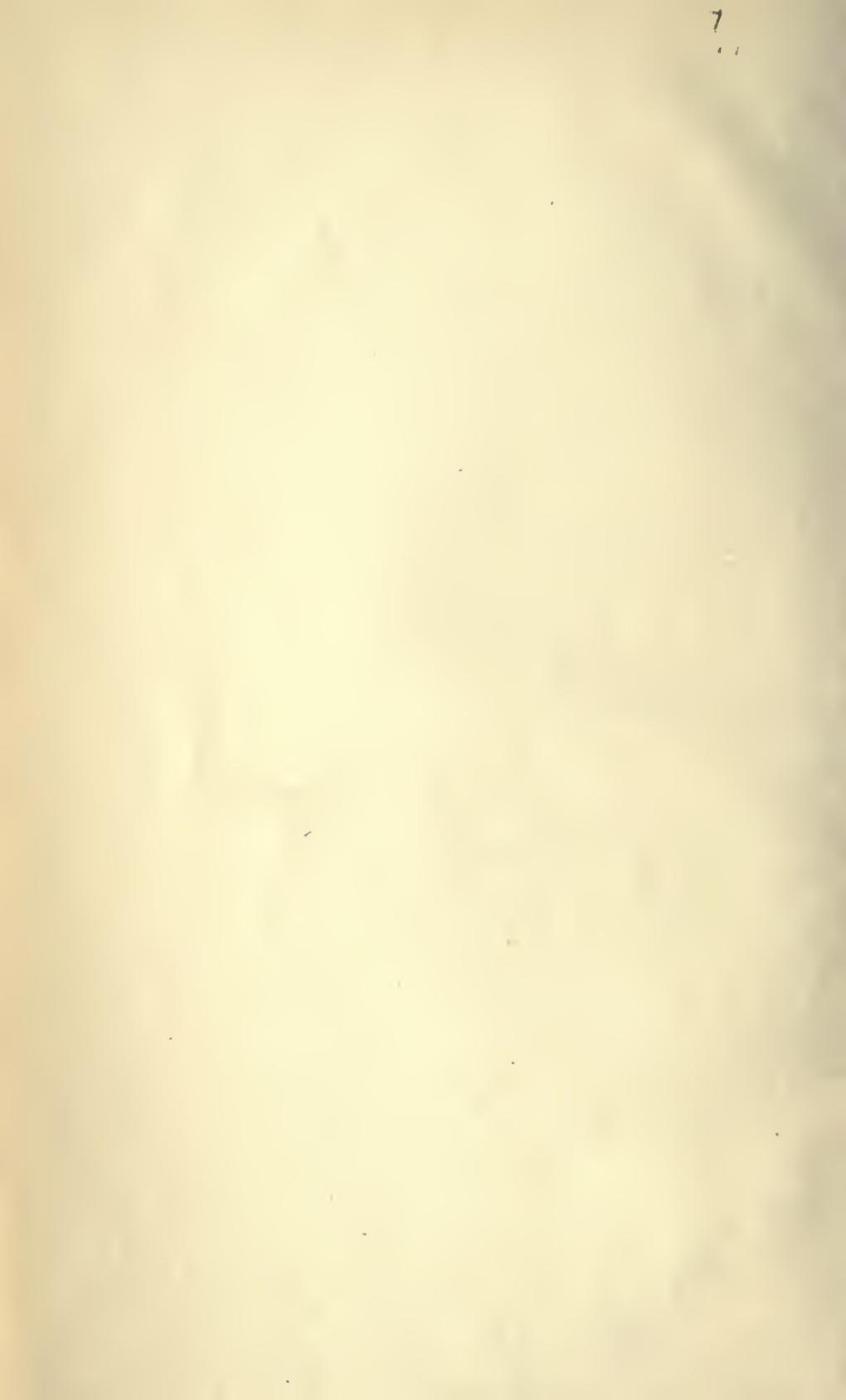






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# COLLECTIONS

OF THE

Nova Scotia Historical Society

VOLUME XIV.

"A wise nation preserves its records, gathers up its muniments, decorates the tombs of its illustrious dead, repairs its great public structures, and fosters national pride and love of country, by perpetual references to the sacrifices and glories of the past."—HOWE.

HALIFAX, N. S.  
W.M. MACNAB & SON.  
1910.

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## OBJECTS OF COLLECTIONS.

1. Manuscript statements and narratives of pioneer settlers, old letters and journals relative to the early history and settlement of Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, and the wars of 1776 and 1812; biographical notes of our Indian tribes, their history, characteristics, sketches of their prominent chiefs, and warriors; together with contributions of Indian implements, dress, ornaments and curiosities.
2. Diaries, narratives and documents relative to the Loyalists, their expulsion from the old colonies and their settlement in the Maritime Provinces.
3. Files of newspapers, books, pamphlets, college catalogues, minutes of ecclesiastical conventions, associations, conferences and synods, and all other publications, relating to this Province, New Brunswick, Prince Edward Island and Newfoundland.
4. Drawings and descriptions of our ancient mounds and fortifications, their size, representation and locality.
5. Information respecting articles of pre-historic antiquities, especially implements of copper, stone, or ancient coins or other curiosities found in any of the Maritime Provinces, together with the locality and condition of their discovery. The contribution of all such articles to the cabinet of the society is most earnestly desired.
6. Indian geographical names of streams and localities, with their signification, and all information generally respecting the condition, language and history of the Micmacs, Malicetes and Bethucks.

7. Books of all kinds, especially such as relate to Canadian history, travel, and biography in general, and Lower Canada or Quebec in particular, family genealogies, old magazines, pamphlets, files of newspapers, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statuary and engravings.

8. We solicit from historical societies and other learned bodies that interchange of books and other materials by which the usefulness of institutions of this nature is so essentially enhanced,—pledging ourselves to repay such contributions by acts in kind to the best of our ability.

9. The Society particularly begs the favor and compliments of authors and publishers, to present, with their autographs, copies of their respective works for its library.

10. Editors and publishers of newspapers, magazines and reviews, will confer a lasting favor on the Society by contributing their publications regularly for its library, where they may be expected to be found always on file and carefully preserved. We aim to obtain and preserve for those who shall come after us a perfect copy of every book, pamphlet or paper ever printed in or about Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

11. Nova Scotians residing abroad have it in their power to render their native province great service by making donations to our library of books, pamphlets, manuscripts, etc., bearing on any of the Provinces of the Dominion or Newfoundland. To the relatives, descendants, etc., of our colonial governors, judges and military officers, we especially appeal on behalf of our Society for all papers, books, pamphlets, letters, etc., which may throw light on the history of any of the Provinces of the Dominion.

## ACT OF INCORPORATION.

### CHAPTER 87.

#### SECTION.

1. Incorporation.
2. May hold real estate.

#### SECTION.

3. Property vested in corporation.

An Act to incorporate the Nova Scotia Historical Society.

(Passed the 17th day of April A. D., 1879).

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Honorable John W. Ritchie, the Reverend George W. Hill, the Reverend Thomas J. Daly, the Honorable William J. Almon, Thomas A. Ritchie, William D. Harrington, George E. Morton, and John T. Bulmer, and their associates, members of the Nova Scotia Historical Society, and such other persons as shall become members of such society, according to the rules and by-laws thereof, are hereby created a body corporate by the name of the Nova Scotia Historical Society.
2. The said corporation may purchase, take, hold, and enjoy real estate not exceeding twenty thousand dollars in value, and may sell, mortgage, lease, or otherwise dispose of the same for the benefit of the corporation.
3. Upon the passing of this act the property of the said Nova Scotia Historical Society, whether real or personal, and all debts due thereto, shall vest in the said Nova Scotia Historical Society hereby incorporated.

## AN ACT.

To provide for the Amalgamation of the Library of the Nova Scotia Historical Society with the Legislative Library and the Management of the Joint Collection.

(Passed the 10th day of April, A. D., 1881).

Be it enacted by the Governor, Council and Assembly as follows:

1. The Library of the Nova Scotia Historical Society shall be amalgamated with the Legislative Library of Nova Scotia, and the regulation and management of the Joint Collection and any additions that may be made thereto is hereby vested in a commission of nine persons to be called the Nova Scotia Library Commission, of whom the Lieutenant-Governor of the Province for the time being shall *ex officio* be one, and the remainder of whom shall be appointed annually, one half by the Nova Scotia Historical Society and the other half by the Governor in Council.

2. The Lieutenant-Governor for the time being shall be *ex officio* the President of the Commission.

3. Should the Nova Scotia Historical Society at any time fail to appoint any or all of the Commissioners whom said Society are hereby authorized to appoint, the rights and powers vested by this Act in the Commission shall devolve upon the other members of the Commission.

4. The Librarian shall be appointed by the Governor in Council, and shall be such person as the Commissioners shall nominate, and shall hold office during good behaviour.

5. The Commissioners may make bye-laws from time to time for the regulation and management of the Library and prescribing all matters necessary for the control thereof, but such bye-laws shall not go into force until approved by the Governor in Council.

6. The Commission shall make an annual report of the expenditure, the general state of the Library, and on all such matters in connection therewith as may be required by the Governor in Council, which report shall be laid upon the table of each branch of the Legislature during the session.

## RULES AND BY-LAWS.

REVISED MAY 27, 1910.

1. The Society shall be called The Nova Scotia Historical Society.

### OBJECTS.

2. The objects of the Society, shall be the collection, and preservation of all documents, papers and other objects of interest which may serve to throw light upon and illustrate the history of this country, the reading at the meetings of the Society, of papers on historical subjects, the publication, as far as the funds of the Society will allow, of all such documents and paper as it may be deemed desirable to publish, the formation of a library of books, papers and manuscripts, affording information, and illustrating historical subjects.

### MEMBERS.

3. The membership shall consist of Ordinary, Life, Corresponding and Honorary Members. The Ordinary or resident members, shall pay at the time of admission, an entrance fee of Five Dollars, and Two Dollars after each succeeding annual meeting. The Ordinary Members residing outside the limit of 15 miles from the city, may become members on payment of Two Dollars entrance fee, and One Dollar annually thereafter. Any Ordinary Member may become a Life Member by the payment of Forty Dollars. The Corresponding and Honorary Members, shall be elected by the unanimous vote of the Society, and are exempt from all dues.

4. Candidates for membership may be proposed at any regular or special meeting of the Society, by a Member, The proposition shall remain on the table for one month, or until the next meeting, when a ballot shall be taken, one black ball in five excluding. No person shall be considered a member until his entrance fee is paid, and if any member shall allow his dues to remain unpaid for two years, his name may be struck from the roll.

## MEETINGS, OFFICE-BEARERS, ETC.

5. The regular meetings of the Society shall be held at 8 p. m., on the first Friday of each month, from November to May, both months inclusive, and special meetings may be convened on due notification of the President, or in case of his absence, by the Vice-President, or on the application of any five members.

6. The annual meeting of the Society shall be held at 8 p. m., on the first Friday of April, at which meeting there shall be chosen a President, three Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, and two Auditors, and a Council of four members; who with the foregoing shall constitute the Council of the Society. The election of members to serve on the Nova Scotia Library Commission, under the provisions of Chapter 17, N. S. Acts of 1880, shall take place at the annual meeting, immediately after the election of office-bearers and Council.

7. All communications which are thought worthy of preservation, shall be minuted in the books of the Society and the originals kept on file.

8. Seven members shall be a quorum for all purposes at ordinary meetings, but at the annual meeting, in April, ten members shall form a quorum.

9. No article of the constitution nor any by-law shall be altered at any meeting when less than ten members are present, nor unless the subject has either been discussed at the previous meeting, or reported on by a committee appointed for that purpose.

10. The duties of the office-bearers and Council shall be the same as those performed generally in other Societies.

11. The Publication Committee shall consist of four members and shall be appointed by the Council, to them all manuscripts shall be referred, and they shall report to the Council before publication.

## ELECTION OF OFFICERS.

12. All elections of officers shall be made by ballot, and a majority of those present shall be required to elect.

(4)

# OFFICERS AND MEMBERS

## OF THE

# NOVA SCOTIA HISTORICAL SOCIETY

1910.

---

**President:**

JAMES S. MACDONALD.

**Vice-Presidents:**

MR. JUSTICE LONGLEY,

VEN. ARCHDEACON ARMITAGE.

DR. M. A. B. SMITH.

**Corresponding Secretary:**

HARRY PIERS.

**Recording Secretary:**

W. L. PAYZANT.

**Treasurer:**

R. J. WILSON.

**Council:**

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PROF. ARCH. MACMECHAN.

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A. H. BUCKLEY.

**Library Commissioners:**

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J. H. TREFRY.

DR. A. H. MACKAY.  
PROF. ARCH. MACMECHAN.

**Publication Committee:**

JAS. S. MACDONALD.

HARRY PIERS.

PROF. ARCH. MACMECHAN.

**Auditors:**

G. E. E. NICHOLS.

W. L. BROWN.

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 ALMON, DR. W. BRUCE.  
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 ARCHIBALD, R. C., (Cambridge, Mass.).  
 ARMSTRONG, HON. J. N., (North Sydney).  
 ARCHIBALD, MRS CHAS.  
 BROWN, R. H.  
 BOWES, F. W.  
 BROWN, W. L.  
 BUCKLEY, A. H.  
 BELL, ADAM C., (New Glasgow).  
 BAKER, GEO. PRESCOTT, (Yarmouth).  
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 BURCHELL, C. J., (Sydney).  
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 CHISHOLM, HON. C. P., (Com. P. Works).  
 CAMPBELL, DR. G. M.  
 CAMPBELL, DR. D. A.  
 COX, MISS MARY E., (Shelburne).  
 CROWE, WALTER, (Sydney).  
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 CAMPBELL, A. J., (Truro).  
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 FRANKLYN, GEO. E.  
 FORREST, REV. PRINCIPAL.  
 FENERTY, E. LAWSON.  
 FLEMING, SIR SANFORD.  
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 GOUDGE, HON. M. H., (Windsor).  
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 IRVIN, JOHN, (Bridgetown).  
 IRVING, G. W. T.  
 IRWIN, ROBERT, M. L. A., (Shelburne).  
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 JACK, A. M.  
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 MARSHALL, W. E., (Bridgewater).  
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 MATHESON, D. FRANK, (Lunenburg).  
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PRESIDENTS,  
NOVA SCOTIA HISTORICAL SOCIETY,

1878 - 1910.

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REV. GEORGE W. HILL, D. D.....	1883-1885
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REV. JOHN FORREST, D. D.....	1905-1906
PROF. ARCHIBALD MACMECHAN, PH. D.....	1907-1909
JAMES S. MACDONALD.....	1910

# THE FISHERIES OF BRITISH NORTH AMERICA AND THE UNITED STATES FISHERMEN.

BY

THE HON. WALLACE GRAHAM, JUDGE OF THE SUPREME COURT  
OF NOVA SCOTIA.

## I.

### BEFORE THE CONVENTION OF 1818.

By the Treaty of Paris, 1763, France yielded up to Great Britain all the possessions held by her in North America with the exception of some small islands. The fisheries along the shores of the ceded territory, saving those on the coast of Newfoundland reserved by France, went with it to the Crown of Great Britain to be enjoyed by the subjects of that country.

In 1783, at the close of the War of Independence, the thirteen colonies which became the United States, in negotiating the treaty of peace put forward the subject of the fisheries as a matter for negotiation. As British subjects, the fishermen of the New England colonies had enjoyed the use of the fisheries on the North Eastern Coast; not merely those, but they had used the fisheries known as the Bank fisheries and the fisheries in the Gulf of St. Lawrence (not inshore fisheries); and, they had also used certain shores for the purpose of drying and curing the fish, as the mode of curing then was, before returning home with their catch.

Nothing is more clear now than that they ceased to have any right to the inshore fisheries, or to use the shores of British territory for any such purpose. As to the Bank and Gulf fisheries beyond the territorial limits, no doubt, they in common with the subjects of all other countries had the right to fish there. In the War of Independence, they had not permanently invaded or acquired any part of the territory now comprised in the coasts of Quebec, New Brunswick, Nova Scotia, Newfoundland, or the islands of the Gulf of St. Lawrence. The right of fishing went with the ownership of the coasts ; but, their rights in respect

to both the inshore and the deep-sea fisheries were not as clearly understood as they now are, and so both came up for discussion by those who negotiated the treaty; therefore, a distinction was made in the terms of the treaty. Their use of the deep-sea fisheries was to be regarded as a right; while, the use of the inshore, or coast fisheries, or the privilege of curing fish on the shore was conceded as a liberty.

The effect of the article of the treaty is as follows:

(1). The people of the United States shall continue to enjoy unmolested "the right to take fish" of every kind on the Grand Banks, the Banks of Newfoundland, also in the Gulf of St. Lawrence and all other places in the sea where the inhabitants of both countries used heretofore to fish.

(2). The inhabitants of the United States shall have "liberty to take fish" of every kind on such part of the coast of Newfoundland as British fishermen shall use, and also on the coasts, bays and creeks of all other of His Britannic Majesty's dominions in America.

(3). The American fishermen shall have "liberty to dry and cure fish" in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same remain unsettled; but, not in Newfoundland.

This article of the treaty was obviously distasteful to the British colonists. The thousands of Loyalists who had been expelled from the United States and found a home on our shores would not look with favour upon their former enemies participating on equal terms with themselves in the fisheries, which by rebellion they had forfeited.

The War of 1812 between Great Britain and the United States brought about the opportunity of raising their complaint and claiming something different. By a memorial of the 8th of October, 1813, the Government of Nova Scotia entreated His Majesty's Ministers to guard against the "hateful article" of the treaty of 1783, and to exclude the French, American and

foreign fishermen from the narrow seas and waters of these northern colonies—stating that the inhabitants procured a living by their industry in these waters which unquestionably belonged to Britain. They urged that if American citizens were to obtain the right of entering the gulfs, bays, and harbours of these colonies that there could be no security against illicit trade and the numerous evils affecting such intercourse;

"That the intercourse permitted by that fatal article of the definitive treaty was detrimental and ruinous."<sup>1</sup>

On the 8th of August, 1814, when the plenipotentiaries of the two countries met at Ghent to negotiate a treaty of peace (resulting in the Treaty of Ghent) the British plenipotentiaries announced at the first meeting that the British Government did not intend to grant to the United States gratuitously the privileges formerly granted to them by treaty, of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries."

Indeed, in the original instructions to the British Commissioners dated July 28, 1814, it was stated that the provisions of the Treaty of 1783 relating to the in-shore fisheries had been the cause of so much inconvenience that the British Government had determined not to renew them in their present form without an equivalent.

It appears that the law officers of the Crown, Sir W. Scott, and Sir C. Robinson, had already given an opinion that the War of 1812 had terminated the provisions contained in the articles of 1783, by which the liberty to take fish on the coast of British North America and to cure fish on certain shores had been granted.

There was a conflict of opinion between the Commissioners of the two countries, and the result of the negotiations was that the treaty of peace was concluded without any provision relating to the fisheries. Mr. John Quincy Adams, speaking of the British Commissioners said: "Their efforts to obtain our acquiescence in their pretensions that the fishing liberties had been forfeited by the war were unwearied. They presented it to us

<sup>1</sup>See Journals of the Legislature 1838, p. 361—

in every form that ingenuity could devise. It was the first stumbling-block and the last obstacle to the conclusion of the treaty."

This question, which ultimately led to the Convention of 1818, between the two countries, was rife during the intervening period.

The British contention, always maintained in accordance with the opinion of the law officers of the Crown, was in effect that the third article of the treaty *conferred the liberties* mentioned, and that this grant had been forfeited as the result of the war.

The American contention was that these liberties already existed and were merely recognized by that article of the treaty and were not created by it, and that therefore it continued in force notwithstanding the War of 1812. A long correspondence on the subject took place between Mr. John Quincy Adams and Lord Bathurst; but the British Government firmly adhered to the contention and acted upon that position.<sup>1</sup>

It is customary for United States writers in discussing the question of the fisheries, to hark back to their original contention, but for those who have to negotiate a treaty or take things as they find them, that question, whether the article of the Treaty of 1783 was put an end to by the War of 1812 is for ever settled. For us it was settled by the opinion of the law officers of the Crown already mentioned. That opinion was afterwards confirmed by an opinion of the law officers of the Crown, namely: Sir J. Dodson, and Sir T. Wilde, afterwards Lord Truro, obtained at the instance of the Nova Scotia House of Assembly in 1841; and it was decided on the 24th of August 1818, by Crofton Uniacke, Judge of the Vice-Admiralty Court at Halifax, in a judgment in the case of the *Nabby* seized by H. M. S. *Saracen*.<sup>2</sup>

For the United States, it has been settled by at least three subsequent treaties, each in part touching the fisheries, which

<sup>1</sup>See Lord Bathurst's despatch, Murdoch *History of Nova Scotia*: vol. 3, p. 382.

<sup>2</sup>Journals of the House of Assembly, 1837, App. No. 75.

have conceded the position, and by the condemnations of the Vice-Admiralty Court at Halifax, submitted to on so many occasions.

The concession of Great Britain, in the treaty of 1783, of liberties which, in ordinary circumstances, should not have been granted, on the one hand, and the revocation of those liberties on the other, may be matters for the historian, they are no longer subjects for the consideration of treaty-makers, or those who have to discuss present conditions.

In the month of June, 1815, the commander of H. M. S. *Jaseur* sent eight captured fishing vessels of the United States into Halifax as prizes. He warned off one found on the ground of fishing within sixty miles of land, but this extreme view was afterwards disavowed by the Government.

In 1817, instructions were issued by the Government of Great Britain to seize foreign fishing-vessels, fishing or at anchor, in any of the harbours or creeks in His Majesty's North American possessions, or within the maritime jurisdiction and send them into Halifax for adjudication. Under these instructions, a number of American fishing-vessels were seized in June, 1817, by H. M. S. *Dee*.

## II.

### THE CONVENTION OF 1818.

The circumstances, which I have just mentioned, led, no doubt, to the negotiation of the treaty of October 8th, 1818, still in force. That treaty was negotiated by Mr. Albert Gallatin, the American Minister to France, Mr. Richard Rush the Minister to Great Britain, commissioners on behalf of the United States, and Mr. John Frederick Robinson, afterward Lord Goderich and Mr. Henry Goulburn on behalf of Great Britain.

Article one of the treaty is as follows: I recite it in its entirety because its interpretation has been the subject of many international and juridical discussions:

" It is agreed that the inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the Southern Coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the Western and Northern Coasts of Newfoundland from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands, and on the Coasts, Bays, Harbours and Creeks from Mount Joly on the southern coast of Labrador to and through the Strait of Belle Isle and thence indefinitely along the Coast; without prejudice, however, to any of the exclusive rights of the Hudson Bay Company:

" And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbours and creeks of the Southern part of the Coasts of Newfoundland hereabove described and the Coast of Labrador; but so soon as the same or any portion thereof shall be settled it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without previous agreement for such purpose with the inhabitants, proprietors or possessors of the ground;

" And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish on or within three marine miles of any of the Coasts, Bays, Creeks or Harbours of His Britannic Majesty's dominions in America, not included within the above mentioned limits;

" Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damage therein, of purchasing wood and obtaining water and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent them taking, drying or curing fish therein or in any other manner whatever abusing the privileges hereby reserved to them."

This treaty has regulated the privileges of American fishing-vessels, with the exception of the period between 1854 and 1866, during which, the so-called Reciprocity Treaty, was in force, and from thence to the year 1870, during which a system of licenses to fish within the territorial limits prevailed, and the period between 1871 and 1885, when the provisions relating to the fisheries contained in the Washington Treaty were in force, and the period between 1888 and the present, when a "modus vivendi" providing for licenses to enable vessels to visit harbours for other purposes than those mentioned in the treaty, has prevailed.

At the first session of the parliament of the United Kingdom after the ratification of the treaty, there was passed a statute, (59 George III, ch. 38), to make it effective and to provide for its enforcement by the courts, by the imposition of penalties. By section 3, of this act, His Majesty-in-Council was given power to make regulations by order-in-Council carrying into effect the provisions of the treaty, and, no doubt, for imposing the restrictions mentioned in the treaty to prevent the abuse of the privileges thereby granted.

The principal provision of the act provided for the forfeiture of any vessel found fishing, or preparing to fish, or to have been fishing, within three marine miles of any of the coasts, bays, creeks or harbours of His Majesty in America, not included within the limits excepted in the treaty.

On the 24th of February, 1836, a joint address to the Sovereign, by the Council and Assembly of Nova Scotia prayed for regulations to be made under the Imperial Act. It submitted the great importance of preserving unimpaired the rights and privileges belonging to subjects engaged in the fisheries upon the coast of this province and preventing foreigners from interfering or participating in such rights and privileges. It set forth that, "your Majesty's subjects in this Province have experienced great inconvenience and loss in this branch of industry by foreign interference, and the revenue is injuriously affected by the illicit trade carried on by vessels ostensibly engaged in the fisheries,

who hover on the coast, and in many cases combine trade with the fisheries, a traffic prejudicial alike to the Revenue, the importation of British manufactures, the honest trader and the political and moral sentiments, habits and manners of the people."

On the 12th of March, 1836, the Provincial Legislature passed an Act (Acts of 1836, 6, William IV., ch. 8), entitled, "An act relating to the fisheries and for the prevention of illicit trade in the Province of Nova Scotia and the Coasts thereof." After reciting the Convention of 1818 and the Statute of the United Kingdom it continues:—

AND WHEREAS the said Act does not designate the persons who are to make such seizure as aforesaid, and it frequently happens that persons infringing the Articles of the Convention, aforesaid, and the enactment of the Statute aforesaid, on being taken possession of profess to have come within said limits for the purpose of sheltering and repairing damage therein or to purchase wood and obtain water, by which the law is evaded and the vessel and cargoes escape confiscation, although the cargoes may be evidently intended to be smuggled into this Province, and the fishing carried on contrary to the said Convention and Statute."

Then a number of sections followed which were passed to supplement the statute of the United Kingdom.

This act of the Provincial Legislature received the assent and ratification of His Majesty by an imperial order-in-Council of the 15th of June, 1836. On the 5th of July, 1836, a similar order-in-Council of His Majesty was passed, declaring that the clauses and provisions of the provincial act should be the rules, regulations and restrictions respecting the fisheries on the coasts, bays and creeks, or harbours of Nova Scotia. These two orders-in-Council are to be found in the Journals for 1837; (Appendix 1, pages 2 and 3.)

Similar statutes were passed in New Brunswick, and Prince Edward Island, in 1843 and 1853.

The effect of all of these provincial statutes was that a penalty, as in the imperial statute, was imposed, of forfeiture of vessels found fishing, or preparing to fish, or to have been fishing within three marine miles of the coasts, bays, creeks, or harbours.

There was also a penalty imposed of £100 on the person in command, if he should not truly answer questions put to him.

These statutes also, as is usual in Revenue Acts, placed the burden of proof on the person disputing the validity of the seizure.

One word in respect to those colonial statutes. They have met with severe denunciation in the United States, whenever the fishery question has come up for discussion or negotiation. They have been termed harsh. The adjectives used to characterize them are not usually found in diplomatic currency. It became my duty some years ago to look for the origin of these laws. They are just copies of old English revenue provisions. The colonists merely turned the statutes intended for smugglers against fish poachers in the colonial waters.

And mark, everyone of the provisions had also been copied by the United States from the Mother Country for the protection of its revenue, and will be found on the United States Statute book. And no decision in our Court upon these provisions had ever been given but precedents could be cited for it from the reports of the United States. The provisions here have never been used harshly.

During the session of the Legislature of Nova Scotia in 1837, a committee, of which James B. Uniacke was chairman, made a report on the subject of the Fisheries which is dated 10th April, 1837, and will be found in the Journals of the House for 1837, Appendix No. 75.

The infringement of the treaty by American fishermen formed the subject of investigation.

The Committee had prepared a number of interrogatories and those interrogatories were submitted to upward of fifty witnesses in the different communities of the province. Many

of them were entirely competent to speak on the subject. There were merchants, people engaged in supplying fishermen, and fishermen themselves. From the names of some of those who answered these interrogatories, I infer that they were substantial men in the communities which they represented, whose statements (for many of them were not on oath and were of course given *ex parte*) would be taken as if they were on oath, and as if there was a cross-examination to follow.

In my opinion the report of that committee of which James B. Uniacke was chairman was substantiated in every respect by the evidence, and the joint address of both houses to His Majesty praying for action in the matter, was, in every respect justified.

I attach as an appendix to this paper extracts from that Report and the joint address to the throne and the reply of the British Government thereto. Under date of January 27th, 1838, and March 19th, 1839, the Government of New Brunswick forwarded to the British Government similar complaints in respect to that Province; and in the latter case a report of a committee of the House of Assembly, after an investigation and founded on similar evidence. On the 24th of March, 1843, both Houses of the Legislature in Prince Edward Island forwarded a similar address, putting forward similar complaints in respect to that province.

These documents will be found in the proceedings of the Halifax Fisheries Commission, 1877, Vol. 2., pages 1462 and following (American Edition) and are also included in the Appendix thereto.

### III.

#### CONSTRUCTION OF "BAYS."

Probably the first question as to the interpretation of the Convention arose out of the word "bays," and it arose in connection with the Bay of Fundy. The British contention was that three miles from the 'Coasts and Bays,' meant three miles from the coasts and where there was a bay, three miles from the

bay, *i. e.*, the entrance to, or a line drawn between the headlands of the bay.

The American contention was that three miles from the coasts and bays meant three miles from the coasts and three miles from the shores of the bays.

In July 26th, 1824, two vessels, the *Reindeer* and *Ruby* 'were seized in the Bay of Fundy (at Two Island Harbour, Grand Manan). The seizure formed the subject of a complaint by the American Government; but, probably because the two vessels were retaken possession of by the owners, there was nothing further than the reply to the communication of Mr. Addington in February, 1825, claiming that the Bay of Fundy was within the prohibited limits.

In 1838 and 1839, seizures were again made. On the 10th of July, 1839, the American Government complained of seizures in the Bay of Fundy made by the *Victory*, and the President of the United States appointed Mr. John S. Payne to the command of a United States vessel to proceed to the fishing grounds. He reported on December 29th, 1839.

He says: 'the authorities of Nova Scotia claim a right to exclude Americans from all bays including such large Seas as the Bay of Fundy and the Bay of Chaleur and also to draw a line from headland to headland; the Americans not to approach within three miles of this line. The fishermen on the contrary believe they have right to work anywhere if not nearer than three miles from the land.' He proceeds:—

"If the ground maintained by the Americans be admitted, it will be difficult to prevent them procuring articles of convenience; and particularly bait, from which they are excluded by the Convention and which a party in the Provinces seems resolved to prevent. (See Doc. 1st, Sess., 32nd Congress, Doc. 100).

In March, 1841, the subject was brought to the attention of Lord Palmerston by Mr. Stevenson, the American Minister to England, and was referred to Lord Falkland, then the Governor of Nova Scotia. Lord Falkland wrote in reply to Lord John

Russell, Colonial Secretary, that the greatest anxiety was felt by the inhabitants of the Provinces, that the Convention of 1818 should be strictly enforced. He enclosed a copy of a report of a committee on the fisheries of Nova Scotia, which had been adopted by the House of Assembly, and a case which has been stated at the request of that body for the opinion of the law officers of the Crown in England.

In November, 1842, Lord Stanley transmitted that opinion of Sir John Dodson and Thomas Wilde to the Governor of Nova Scotia.

The contention of the Colonial authorities in respect to bays generally (without specific reference to the Bay of Fundy) was upheld, as was also a contention that American vessels had not the right to pass through the strait of Canso.

That opinion has been attacked because in giving reasons it is assumed contrary to the fact that the word 'headlands' was used in the treaty; but a careful examination of the whole opinion will show that the conclusion is not wholly based upon that assumption.

On May 10th, 1843, the American schooner, *Washington* was seized in the Bay of Fundy, at least ten miles from the shore. The Bay is about 40 miles in width and 140 miles long.

This seizure formed the subject of a remonstrance on the part of the United States. Extracts from the letters of Mr. Everett, the American Minister, of the dates of August 10th, 1843, and May 25th, 1844; and the letter of Lord Aberdeen of April 15th, 1844, will be found in the American Brief in the Proceedings of the Halifax Fishery Commission, 1877, Vol. 1. p. 145, and following.

The argument of Lord Aberdeen is very concise; he says:—

"Upon reference, however, to the words of the treaty it will be seen that American vessels have no right to fish, and indeed, are expressly debarred from fishing in any bay on the coast of Nova Scotia."

"If the treaty were intended to stipulate simply that American fishermen should not take fish within three miles of the Coast---there was no occasion for using the word 'bay' at all; but the proviso at the end of the article shows that the word 'bay' was used designedly, for it is expressly stated in the 'proviso' that under certain circumstances the American fishermen may enter bays, by which it is evidently meant that they may under those circumstances pass the sea line which forms the entrance of the bay."

Mr. Everett in reply confines the argument to the Bay of Fundy, that, it is not to be considered one of the "Bays; he says:

"In estimating this distance (three miles) the undersigned admits it to be the intent of the treaty, as it is itself reasonable to have regard to the general line of the coast, and to consider its bays, creeks, and harbors, that is the indentations usually so accounted, as included within that line. But the undersigned cannot admit it to be reasonable instead of following the general direction of the coast to draw a line from the south westernmost point of Nova Scotia to the termination of the north eastern boundary between the United States and New Brunswick."

In August, 1844, the American Schooner, *Argus* was seized by the *Sylph*, a cutter from Halifax, while fishing off the Coast of Cape Breton within a line drawn from Cape North to the northern head of Cow Bay, but more than three miles from land.

And this seizure formed the subject of a remonstrance in a letter from Mr. Everett to Lord Aberdeen of October 9th, 1844.

On the 10th of March, 1845, Lord Aberdeen wrote to Mr. Everett, informing him that the British Government still adhered to their previous construction of the treaty, and that in this view they were fortified by high legal authority, and denied any right of American fishermen to fish in any part of the Bay of Fundy included within the British possessions, or, in the case of any other bays, within three miles of the entrance of such bays as designated by a line drawn from headland to headland,

but that they would relax the right of excluding those fishermen from the British portion of the Bay of Fundy "provided they do not approach, except in the cases specified in the treaty of 1818, within three miles of the entrance of any bay on the Coast of Nova Scotia or New Brunswick."

Mr. Everett on the 25th of March, 1845, replied that 'it would be placing his Government in a false position to accept as a mere favor that which they had so long and strenuously contended as due to them from the Convention".

In May, 1845, Lord Stanley intimated to Lord Falkland, Lieutenant-Governor of Nova Scotia, that the British Government "contemplated the further extension of the same policy by the adoption of a general regulation; that the American fishermen should be allowed freely to enter all bays of which the mouths are more than six miles wide." He replied, requesting that as the local interests of Nova Scotia were affected so deeply that negotiations ought to be suspended until he could again communicate with him.

The Attorney-General of Nova Scotia, the Honorable J. W. Johnstone, prepared a report on the subject, and it was forwarded to England. This report will be found in the well-known report of Lorenzo Sabine to the Secretary of the Treasury upon the subject of the Fisheries.

Mr. Charles Simonds, Speaker of the House of Assembly of New Brunswick, went to England to oppose this concession. The remonstrance of the Colonies was so far successful, that under date of 17th of September, 1845, Lord Stanley wrote to Lord Falkland, Lieutenant-Governor of Nova Scotia as follows:

"Her Majesty's Government have attentively considered the representations contained in your despatches respecting the policy of granting permission to the fishermen of the United States to fish in the Bay of Chaleur and other large bays of a similar character on the coasts of New Brunswick and Nova Scotia; and, apprehending from your statements that any such general concession would be injurious to the interests of the British North American Provinces, we have

abandoned the intention we had entertained on the subject, and shall adhere to the strict letter of the treaties which exist between Great Britain and the United States, relative to the Fisheries in North America, except in so far as they may relate to the Bay of Fundy which was then thrown open to the North Americans under certain restrictions."

In a letter of the 21st of April, 1845, Lord Aberdeen had informed Mr. Everett that the relaxation in the case of the Bay of Fundy had not been extended to other bays.

On the 6th of July, 1852, Daniel Webster, then Secretary of State, in an important state paper, dealt with this subject:

After quoting the convention, he says: "It would appear that by a strict and rigid construction of this Article, fishing vessels of the United States are precluded from entering into the bays, or harbors of the British Provinces except for the purpose of shelter, repairing damage and obtaining wood and water.

"A bay, as is usually understood, is an arm or recess of the sea entering from the ocean between capes and headlands, and the term is applied equally to small and large tracts of water thus situated; it is common to speak of Hudson Bay or the Bay of Biscay, although they are very large tracts of water.

"The British authorities insist that England has a right to draw a line from headland to headland, and to capture all American fishermen who may follow their pursuits inside of that line. It was undoubtedly an oversight in the Convention of 1818 to make so large a concession to England, since the United States has usually considered that those vast inlets or recesses of the ocean ought to be open to American fisherman as freely as the sea itself to within three marine miles of the shore."

Under a Convention of 8th of February, 1853, the case of the schooner *Washington* came before two commissioners appointed to consider the claims of the subjects of the two coun-

tries. The commissioners disagreed. Mr. Joshua Bates was chosen umpire. He was a junior partner in an American branch of the English house of Baring Brothers. His decision awarded damages to the owners of the *Washington*. It will be found in the proceedings of the Halifax Commission, 1877, volume 1, page 152. His grounds are not clear, other than that the Bay of Fundy was not a British Bay because one of its headlands was in the United States, and that Little Manan, an American Island, was situated nearly on a line from headland to headland.

The same authority awarded damages to the owner of the *Argus*, seized off the coast of Cape Breton.

The arguments in respect to the matter of the Bays will be found in the briefs presented before the Halifax Fishery Commission, 1877, although it turned out that no decision was necessary, or was given, in respect to it by that tribunal:

It has been held in the United States, in the case of *Stetson vs. the United States*, by a tribunal created in respect to the *Alabama Claims*: 32 *Albany Law Journal*, 484, that the Chesapeake Bay, at least twelve miles in width at its headlands was a United States Bay, wholly within the territorial jurisdiction of that Government and no part of the High Seas. Reliance was placed on a decision of the Judicial Committee of the Privy Council, 2 App., Cases 349, in respect to Conception Bay in Newfoundland, which is 20 miles between the headlands, and the Concession in 1793 by the nations interested in the case of the *Grange* captured within the Capes, that the Delaware Bay, as the Attorney General of the United States had advised, was also United States Territory.

#### IV.

##### CONDITIONS PRIOR TO THE RECIPROCITY TREATY.

Between 1847 and 1851, overtures were made to the United States in respect to an arrangement as to the fisheries and reciprocity in trade. The duties in the United States upon foreign

caught fish and the bounties paid by the United States Government to the fishing vessels of the United States prevented competition by the fishermen of these provinces. They had no market for their catch. For three successive sessions, Congress refused to pass the necessary legislation to secure reciprocal trade and an arrangement as to the fisheries.

On the 21st of July, 1851, as the result of a meeting held at Toronto of delegates from the Provinces, it was agreed that the then Province of Canada should co-operate with Nova Scotia in protecting the fisheries, by providing a steamer, or two sailing vessels to cruise in the Gulf of St. Lawrence and along the coasts of Labrador; that Nova Scotia would continue to employ at least two vessels, and that the delegates from New Brunswick would urge upon that government the importance of making provision for at least one vessel to be employed in the Bay of Fundy.

This co-operation was secured by the Honorable Joseph Howe, who reported the result of his mission to the Government: (*Journals of the House*, for 1853, app. 4.)

In 1851, the House of Assembly adopted a report in regard to the subject of granting liberty to the American fishermen to pass the Straits of Canso.

On the 27th of May, 1852, a despatch to the Administrator of the Government from Downing Street assured him that "among many pressing subjects which have engaged the attention of Her Majesty's Ministers since their assumption of office, few have been more important in their estimation than the question relating to the protection solicited for the fisheries on the coasts of British North America.

"Her Majesty's Ministers were desirous to remove all ground of complaint on the part of the Colonies in consequence of the encroachment of the fishing vessels of the United States upon these waters from which they are excluded by the terms of the Convention of 1818, and they therefore intend to despatch as soon as possible a small force of steamers or other small vessels to enforce the observance of that Convention."

During the season of 1852, the brigantines *Halifax* and *Belle* and the schooners *Daring* and *Responsible* were fitted out and commissioned by the Provincial Government for the protection of the fisheries.

The Commissioner's instructions to the Commanders will be found in the Journals for 1853, Appendix No. 4.

The province of Canada also (in pursuance of the Toronto agreement) employed one vessel, New Brunswick, two, and Prince Edward Island, one.

During the season of 1853, in addition to the government schooner *Daring*, two vessels were chartered by the provincial government and commanded and manned from the Flagship *Cumberland*. The report of the Board of Works contains this paragraph: "The whole of the grant for this service was not expended in consequence of the Vice-Admiral (Sir George F. Seymour), having furnished so many vessels and manned and victualled the two chartered by the Province." The H. M. S. *Basilisk*, Commander Egerton; the *Devastation*, Commander De Horsey and afterwards Capt. Campbell, and the *Dart*, a tender commanded by Lieutenant Jenkins, were employed in addition to the provincial vessels already mentioned.

On the 25th of September, 1852, the law officers of the Crown in England gave an opinion in reply to certain questions submitted by Vice-Admiral Seymour, then engaged in the protection of the fisheries. This opinion and the questions submitted will be found in the Journals for 1853, app. 4., pp. 138 to 184.

It appears that on a question concerning the seizure of the *Creole* in the Vice-Admiralty Court at Halifax, in which the nationality of the vessel came up (the vessel, probably to evade the laws, having been transferred to a person claiming to be a British subject, resident in the United States), the case against the vessel was dismissed, but Mr. Uniacke, the Attorney-General of Nova Scotia, consulted the law officers of the Crown in England. Their opinion of 6th August, 1853, will be found in Forsyth's Constitutional Law, p. 404.

A paragraph in that opinion is of importance as establishing the power of the Provincial Legislature to pass the Act respecting the protection of the fisheries already mentioned, and by parity of reasoning, the present Legislation of the Parliament of Canada.

During the period between June, 1838, and October, 1851, twenty-six fishing vessels were seized and condemned by the Vice-Admiralty Court at Halifax for violating the terms of the Treaty. (See Proceedings of Halifax Fishery Commission, 1877, Vol. 2, p. 1472) During 1824, five were seized and condemned by the Vice-Admiralty Court of New Brunswick and one in 1822, and one in 1852, and in Prince Edward Island three were seized and condemned in the year 1852.

## V.

### THE RECIPROCITY TREATY, 1854.

The negotiations which led to the Reciprocity Treaty, 1854, were regarded by the Nova Scotians, from a distance, with great suspicion and distrust.

During its existence and subsequently, that period has always been regarded as an era of great prosperity for Nova Scotia.

It was not the first occasion on which the want of representation in the councils of the Mother Country has led to unjust suspicion on the part of the Province.

On the 2nd of September, 1852, a public meeting was convened at Halifax, in the hall of the Province Building, in consequence of learning that it was contemplated by the Government in England "surrendering to the United States the privileges of fishing on the Coasts of the Colonies."

There was an address drawn up to the Lieutenant-Governor asking him to use his influence to stay the negotiations in England until the interests of the Province could be presented.

A memorial, addressed to Her Majesty was prepared, praying that the existing fishery restrictions might be preserved in their letter, and the memorialists deprecated all negotiations and compromises on the subject.

There were also very strong and very argumentative resolutions passed at the meeting.

These documents will be found in the Journals for 1853, appendix 4, at page 130. They are all eloquent, even the resolutions, and I suspect that the eloquence is that of the Honorable Joseph Howe.

Heretofore, the Honorable James B. Uniacke, who had always been chairman of the committee on the subject of the fisheries, had been foremost in the provincial councils in dealing with the subject, and as far as I can judge, had dealt with it with ability.

In January, 1853, the Lieutenant-Governor announced to the Assembly that the United States had at length consented to negotiate on the subject of their commercial relations with the British Empire.

During the session of the Legislature for 1853, in February, an address was forwarded to Her Majesty, in which it was prayed that no treaty might be negotiated which would surrender to foreigners the reserved fisheries on our sea coasts, or any participation therein, without an opportunity were afforded to the Province to consider and express an opinion on its terms.

In 1854 Lord Elgin, the Governor-General of Canada, as Minister Plenipotentiary on the part of Great Britain, visited Washington, and as a result of that visit, the Reciprocity Treaty was signed by him on the part of Great Britain and by Mr. Marcy, the Secretary of State, on the 5th of June, 1854. It was said in Nova Scotia in haste that it had been 'floated through on champagne,' but it was possibly Lord Elgin who had resorted to that subtle agent.

In consideration of mutual free trade in many natural products, including fish and products of fish, and of the liberty to fish on the American coasts as far south as the 36th parallel, it was agreed that, in addition to the liberty secured by the treaty of 1818, "the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty, liberty to take fish of every kind, except shell fish, on the Sea Coasts and shores and in the bays, harbours and Creeks of Canada, New

Brunswick, Nova Scotia, Prince Edward Island and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores . . . . and also upon the Magdalen islands, for the purpose of drying their nets and curing their fish, provided that in so doing they do not interfere with the rights of private property or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose."

## VI.

### CONDITIONS SUBSEQUENT TO RECIPROCITY TREATY.

This treaty was terminated in March, 1866, by the United States Government, after a year's notice.

Repeated notices were given to the United States fishermen, both by the British and United States Government, that the privileges given by the Treaty of 1854 could no longer be exercised and that the provisions of the Convention of 1818 now applied.

In order to avoid measures which would seem harsh, such as the seizure of the American fishing vessels which had been fishing on the coasts during the twelve preceding years, a system of licensing was adopted which continued during the years 1866, 1867, 1868 and 1869. The license fee charged, at first of fifty cents per ton, was afterwards raised to one dollar and finally to two dollars per ton.

The fees were paid freely at first in order to avoid seizure, but in the latter years they fell off. In 1866, 454 vessels paid; in 1867, 295; in 1868, 61; in 1869, 31 vessels.

Meanwhile the provinces having been confederated, the subject of the protection of the Fisheries had passed to the Federal Parliament. In the years 1868, 1870 and 1871, legislation was passed, re-enacting the provisions of the Provincial Legislatures.

In May, 1870, a circular was issued by the Secretary of the Treasury Department at Washington, warning masters of fishing vessels that the issuing of fishing licenses by the Dominion Govern

ment had ceased and calling attention to the Treaty of 1818 and the statutes of Canada on the subject.

Another circular was issued by the same authority, dated 9th of June, 1870, calling attention to the Amendment of 1870 as follows: "It will be observed that the warning formerly given is not required under the Amended Act, but that vessels trespassing are liable to seizure without such warning." On November 18th, 1869, Vice-Admiral Wellesley, of the flagship *Royal Alfred* in a communication to the Secretary of the Admiralty, had recommended that this course, as to giving them one warning should be abandoned. The Dominion Government employed several schooners as cruisers to protect the fisheries. Twelve seizures took place during the season of 1870; three of them having been made by Her Majesty's ships of war. Two out of the twelve were seized for purchasing bait which, it was contended, was a preparation to fish within the meaning of the English statute.

The case of the *White Fawn* was decided by Judge Hazen, in the Vice-Admiralty Court of St. John, and the case of the *J. H. Nickerson* by Sir William Young in the Vice-Admiralty Court of Halifax.

The learned judges reached opposite conclusions, but the court in St. John did not at all dispute that the purchasing of bait was contrary to the terms of the Convention, which as it will be recollect, only admits of entering into territorial waters for one of four purposes, namely: procuring wood, water, shelter or repairs. The decision was upon the terms of the statute of the United Kingdom.

The question was an exceedingly narrow one; whether the statute meant preparing, within the three mile limit, to fish anywhere, or preparing within the three mile limit to fish within the three mile limit. This question has now become of no importance, because the difference of opinion in the two courts led to legislation. The Parliament of Canada, in the year 1886, amended the Canadian statute by providing that the vessel may be forfeited for violating the terms of the Convention. It is quite

clear that entering the specified waters for any other purpose than wood, water, shelter or repair is a violation of the Convention.

## VII.

### WASHINGTON TREATY OF 1871.

Before another fishing season had arrived, the Washington Treaty of 1871, containing clauses controlling the fisheries, had been signed on the 8th of May of that year. By article 18 of that treaty, the fishery privileges on the coasts which had been granted by the reciprocity treaty to the United States were granted for a period of ten years, and for two years after notice to terminate the provisions by either party.

The right to fish in American waters as far south as the 39th parallel was granted to British subjects. Fish-oil and fish of each country, except fish of inland waters, and fish preserved in oil were to be admitted into the other country free of duty.

The British Government contending that there was a difference in value between the concessions of the respective countries, it was provided that a Commission should be appointed to determine the amount of compensation which ought to be paid to Great Britain in respect to this difference.

The treaty provided that each government was to appoint one commissioner, and in case the two governments could not agree upon the third commissioner within a period of three months, then the Austrian Ambassador at London was to make the appointment.

Great Britain appointed Sir Alexander Galt of Canada; the United States appointed E. H. Kellogg, of Massachusetts, and the two governments not being able to agree upon the third Commissioner, the Austrian Ambassador appointed M. Maurice Delfosse, the Minister of Belgium at Washington.

The treaty did not become effective until the 1st of July, 1873, under proclamations in both countries. Yet at the request of the government of the United States the American fishing

vessels were admitted to the "inshore" fisheries in April, 1873, in order that they might have the whole of the fishing season.

During that interval the United States, however, did not reciprocate in the matter of the duties upon Canadian fish, but continued to collect the same, to the value of upwards of \$300,000.

In the case of Prince Edward Island, not then a part of Canada, the fisheries were thrown open two years in advance of the President's proclamation on the understanding that the President would ask Congress to refund the duties which should be paid to the United States in the meantime.

The duties were never refunded by the United States. Although it was provided that fish oil and fish of all kinds should be admitted free of duty, the American Congress in 1875 imposed a duty on the packages containing our fish.

In the case of Newfoundland, a ruling of the United States Treasury Department determined that seal oil was not fish oil, and must pay twenty per cent. duty.

## VIII.

### THE COMMISSION AT HALIFAX.

The Commission commenced its sittings at Halifax on the 15th of June, 1877, but only commenced the hearing on the 28th of July. Canada was represented by four Counsel, Mr. Doutre, Mr. S. R. Thomson, Mr. Weatherbe and Mr. Dana, and Newfoundland by Mr. Whiteway. The United States was represented by Mr. Foster, Mr. Dana and Mr. Trescot. On the 1st of September, 1877, a very important question was decided.

The British case had claimed compensation, not only for the privileges of fishing, but for the privilege of access to the shores for purchasing bait, ice and supplies, and trans-shipping cargoes in British waters instead of returning home with the catch. This enabled the American fishermen to double their profits, by securing more fares during one season. They had clearly been precluded from these privileges by the treaty of

1818, and it was contended on the part of the British Government that incident to the other privileges, these privileges had been conferred and should be paid for. The American counsel contended that these privileges were not conferred upon them, and this, although they then had been in the employment of them for five seasons.

In the answer filed by the United States it was said:

"Suffice it now to observe that the claim of Great Britain to be compensated for allowing United States fishermen to buy bait and other supplies of British subjects finds no semblance of foundation in the treaty by which no right of traffic is conceded,<sup>1</sup>

"That the various incidental and reciprocal advantages of the treaty, such as the privileges of traffic, purchasing bait and other supplies are not subjects of compensation because the Treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enforcement of existing laws, or reinactment of former oppressive statutes."<sup>2</sup>

The American Counsel formally moved for a ruling of the Commission upon this subject, and the tribunal felt obliged to decide that compensation could not be given in respect to these matters.

Sir Alexander T. Galt closed his judgment with these warning words: "I therefore cannot escape from the conclusion that the contention offered by the agent of the United States must be acquiesced in. There is no escape from it. The responsibility is accepted by and must rest upon those who appeal to the strict words of the treaty as their justification."

In the report of Mr Foster, the agent of the United States, to his government, Vol. 1- p. 7, he says: "Naturally, therefore,

<sup>1</sup>Proceedings of Halifax Commission, Vol. 1, p. 123.

<sup>2</sup>(*Ib.*, p. 136.)

the agent and counsel of the United States felt that this decision of the Commission eliminated from the British claim its largest element of value."

The case then proceeded upon the question of compensation for the privilege of fishing.

After a very prolonged hearing of evidence, both oral and by affidavit, and after hearing the arguments of the following counsel, Messrs. Foster, Trescott and Dana for the United States Government, and Messrs. Whiteway, Doutre, and S. R. Thomson, for Her Majesty's Government, the Commission on the 23rd of November, 1877, after seventy-seven conferences in all, made its award. It awarded a compensation to Great Britain of \$5,500,000; that is, it was decided that the value of the fisheries for the period of twelve years' enjoyment by the Americans over and above the value of the duties which would have to be paid by the people of Canada and Newfoundland on the fish, fish-oil, &c., imported into the United States during that period was equivalent to that sum. I state it in that short way because, according to the result of the evidence there was practically no fishing by our vessels on the American shores, and no importation by us of fish, fish-oils, etc., from the United States.

The Commissioner for the United States dissented. He considered that the privilege of free markets in the United States for fish, fish-oils, etc., exceeded in value the privilege of the American vessels fishing in the territorial waters of British North America.

The fishery articles of the Washington Treaty, 1871, were terminated by the United States, after notice, on the first of July, 1885.

While they were in operation, the provisions were carried out with entire liberality on our part. Even in default of compensation for the privilege of entering our harbours to procure bait, ice or supplies, or of trans-shipping cargoes, that privilege was conceded freely to the end of the treaty; and this although it was decided by the Commission at Halifax and admitted

by the Counsel and Agent of the United States that the privilege was one which might have been withdrawn at any time without breach of the treaty provisions.

## IX.

### CONDITIONS AFTER TERMINATION OF THE FISHERY PROVISIONS OF THE 'WASHINGTON TREATY OF 1871.'

Again the treaty privilege of fishing had terminated in the midst of a fishing season, and again the British Government, viz. on the 22nd of June, 1885, by agreement gratuitously extended that privilege to its close. The fishing vessels of the United States continued in the enjoyment not only of fishing, but of those privileges which the counsel of the United States had so persistently shown they were not entitled to.

It is true that there was a promise by the President to bring the whole question before Congress which was to convene on December 1885, with a view to the appointment of a commission to settle the fishery question, but although that promise was performed by the President, it was barren of result in Congress.

The fishery season of 1886 opened without any arrangement and our Government had no option but to proceed once more to protect the fisheries on our coast.

At the instance of the British Government, the Minister at Washington addressed a note to the Secretary of State to ascertain whether the United States Government intended to notify the fishermen that they were now precluded from fishing in British territorial waters. On the 28th of March the Secretary of State replied that by a Proclamation of the President on the 31st of January, 1885, full and formal public notification in the premises had been given. They intended to rely upon the rights secured to them by the treaty of 1818.

In the Canadian Parliament a sum of \$150,000 was voted for the purpose of protecting the fisheries, and it was intended, in addition to the Government steamers, to employ six schooners

for use as police vessels. Instructions were issued on the 16th of March, 1886, to those in command of these vessels similar to those in use under like circumstances in 1870. The United States Government was informed that no further fishing licenses would be issued.

## X.

### RIGHT OF FISHING VESSELS TO PURCHASE BAIT AND SUPPLIES, AND TO TRANS-SHIP THEIR CATCH IN BRITISH HARBOURS.

Very shortly there arose a very much debated question. The United States Consul-General at Halifax had set up the claim that an American fishing vessel having caught her fish outside of the territorial waters might come into any harbour and trans-ship those fish to any port in the United States. This started the correspondence. The contention was placed upon the ground that a fishing vessel was entitled to the privileges of a trading vessel, notwithstanding the renunciation in the treaty of the right of a fishing vessel to enter a harbour for any purpose whatever other than the four already mentioned. It was claimed that it would be a breach on the part of Canada of the bonding regulations existing between the two countries, by which the goods of either pass over the territory of the other.

The Government of Canada by a Minute of Council of 6th April, 1886, promptly denied the claim.

As early as 28th, August, 1852, the Honorable Joseph Howe, Provincial Secretary of Nova Scotia, in a letter to the Commander of the Revenue cruiser *Responsible* had said, "The Colonial Collectors have no authority to permit freight to be landed from (fishing) vessels which under the Convention can only enter our ports for the purpose specified and for no other."

The argument recurs so frequently in the discussions that I will refer to it more at length.

For some years prior to 1830, the vessels of the colonies and the vesesls of the United States were precluded from trading

in each other's ports. A system of non-intercourse existed between the two countries. By virtue of a statute of the United Kingdom of 1825 and by virtue of similar authority in the United States an Order-in-Council was made for Great Britain and a proclamation for the United States.

The Order-in-Council is in the following terms, and the Proclamation in corresponding terms:—

"And Her Majesty doth further declare that the ships of and belonging to the United States of America may import from the United States aforesaid into the British possessions abroad goods, the product of those States, and may *export goods from the British possessions abroad to be carried to any foreign Country whatever.*

Upon the last fifteen words, applicable of course to trading and to trading vessels, a contention was made that fishing vessels also might enter our bays and harbours to purchase bait, ice and supplies and to trans-ship cargoes, and that notwithstanding the strongly prohibitory clause in the Convention of 1818 aimed specially at fishing vessels.

The British contention was shortly:

"Generalia specialibus non derogant."

A general later law does not abrogate an earlier special one by mere implication.

The Order-in-Council only dealt with the *export* of goods. The act under which it was passed and upon which it depends for validity only authorized its application to the export of goods to be carried to foreign countries.

American fishing vessels are not so employed. They are not trading vessels by the law of their own country, and although they sometimes carry a permit "to touch and trade," as incidental to the fishing voyage, that does not enable them to escape the stringent words of the Convention.

During the latter part of 1886 and the early part of 1887, this question in the United States reached an acute stage by

reason of an enforcement of that interpretation on the part of Canada.

On the 7th of May, 1886, the fishing schooner, *David J. Adams* was seized near Digby by the Dominion authorities for purchasing bait and employing people from the shore to catch bait for her use.

On the 17th of May, 1886, the fishing schooner *Ella M. Doughty* was seized in St. Ann's Bay, also for purchasing bait. The case of each of these vessels came on for trial. Before judgment was pronounced, the Government offered to return both vessels to their owners. The offer was accepted in the case of the *Ella M. Doughty*, but was refused in the case of the *David J. Adams*. She was subsequently condemned under the English statute, by the Vice-Admiralty Court upon the precedent of the *J. H. Nicker-son*. The violation of the Convention of 1818 by this vessel was scarcely in controversy.

In consequence of the seizures just mentioned in a Canadian port for purchasing bait, there was an agitation in the United States and very strong language was used both in and out of Congress in respect to it. It was claimed that it was a violation of the right of American vessels to trade in British ports. Expressions of this character were used:—‘unneighborly’; ‘churlish and inhospitable treatment’; ‘Medieval restrictions on free navigation’; ‘Canadian inhumanity’; ‘passionate spite,’ ‘the Dominion of Canada brutally excluding American fishermen,’ etc., etc. A report to Congress contained this language, “and finally a Committee of the Canadian Privy Council declared “in effect on November 24th, 1886, that an American manned, “equipped and prepared for taking fish, has not the liberty “of commercial intercourse in Canadian ports such as are applicable to other regularly registered foreign merchant vessels. “Such an interpretation of the present legal effect of the first “article of the treaty of 1818 is in the opinion of your Committee “so preposterous in view of concerted laws of comity and good “neighborhood enacted by the two countries, that had it not “been formally put forth by the Dominion of Canada would “not deserve serious consideration by intelligent persons.”

Retaliatory legislation was thereupon introduced aimed at the vessels of this country, the railway trains of this country and the goods of this country, by which their entry into American territory could be forever stopped at the boundary.

The legislation as ultimately passed, although never put into force, applied only to the prohibition of our vessels and their cargoes.

The correspondence between the United States and Great Britain and between Canada and the British Government, comprise handsome volumes.

It can hardly be realized that before the close of the year, a commission had met at Washington to discuss the question, and after a session of two months a treaty was negotiated by which for the very privilege which had seemed so preposterous, namely: the privilege of American fishing vessels entering our ports to obtain bait, ice and supplies and tranship their catch, the Americans had given access to their markets, duty free, fish caught by our fishermen, and *that* with knowledge that the duties paid upon these articles between the years 1866 and 1873, and in 1886, when there was no treaty, had exceeded \$300,000 per annum!

That treaty, it is true, was not ratified by the Senate, but its moral force remains, when it is recollect that Mr. Bayard the Secretary of State who had used some of the extreme language, was a party to it, and behind it was President Cleveland. But before the Commission had ever met, the position must have been practically abandoned.

In the session of Congress 1886-1887, a report was presented by the Committee on foreign relations, defining the rights of American fishing vessels under the Convention of 1881.

After defining what they may do it proceeded:

"The American fishermen in their character as such purely must not enter the prohibited waters other than for the purposes of shelter, repairing damage, purchasing wood, and obtaining water, and in doing this they are subjected to such reasonable

restrictions as are necessary to prevent their fishing or curing fish in prohibited waters or on prohibited shores and thereby abusing the privilege of entering those waters for the necessary purposes stated." Foreign Correspondence N. A. Fisheries, 1886, 1887 No. 2.

As I have already intimated a joint commission was agreed upon by the two countries to settle the questions in dispute in relation to the fisheries. This was brought about towards the close of 1887. The United States appointed as their members Mr. Bayard, the Secretary of State, Mr. Angell, President of the University of Michigan, and Mr. Putnam, a distinguished lawyer, afterwards a judge in the Circuit Court of the United States. The British Commissioners were Joseph Chamberlain, Sir Charles Tupper and Sir Sackville West, the British Ambassador at Washington.

## XI.

### THE TREATY OF WASHINGTON, 1888.

On the 15th of February, 1888 a treaty was signed at Washington, as the result of the labors of that commission.

The question of the "bays, creeks and harbours" was settled. A commission was to be appointed to delimit them, and certain rules were framed for its guidance. The limits of the exclusion in respect to large bays, like the Bay of Chaleur, Miramichi, Egmont Bay, St. Anne's Bay, Fortune Bay, and some others were defined. For other bays, exclusion of the American fishing vessels was restricted to those which were ten miles wide; no doubt, following the treaties between England and France in respect to Newfoundland.

Nothing in the treaty was to affect the free navigation of the Straits of Canso.

When putting into bays or harbours for wood, water, shelter or repairs they were not required to report or clear at the customs house, unless they remained for over twenty-four hours, nor be liable for pilotage or port dues.

Fishing vessels of Canada and Newfoundland should have on the Atlantic Coasts of the United States the privileges that United States fishing vessels had under that treaty in the waters of Canada and Newfoundland.

When the United States should remove the duties from fish and fish oil, including whale oil and seal oil, entering the States from Canada and Newfoundland, the like products should be admitted free of duty into Canada and Newfoundland from the United States, and upon such removal of duties and while that condition lasted, the United States fishing vessels should have the privilege of entering the ports, bays and harbours of the coasts of Canada and of Newfoundland, by means of annual licenses free of Charge, for the purposes of;

1. The purchase of provisions, bait, ice, lines and all other supplies and outfits.
2. Trans-shipment of catch.
3. Shipping of crews.

Provided that supplies other than bait should not be obtained by barter.

This treaty, as I have intimated, was rejected by the Senate. That body under the American Constitution is the treaty-making power. It gives that country two chances in every treaty-making. If their plenipotentiaries have made a good bargain, the Senate may adopt it; if a bad bargain, the Senate may reject it.

And whether that treaty of 1888 was good or bad, that is the fate which befell it.

In England, no government could hold office for an hour, if the parliament of the Country overruled a treaty which had been negotiated under its auspices. The President and his government, though sustaining this treaty, would not be expected to make an apology to the other party to the treaty, after the Senate had destroyed it. Meanwhile for two years, there was a temporary provision for a system of licensing American fishing vessels enabling them on payment of a fee of \$1.50 per ton to enter our bays and harbours to obtain ice, bait, and

supplies and to trans-ship cargoes and ship crews, and since 1888 that 'modus vivendi' as it is called was renewed.

Canada still maintains an expensive protection fleet to prevent actual fishing within the territorial waters, but the number of seizures is not great, and, only in two cases, I think have the seizures been prosecuted to condemnation.

Perhaps my closing word will not be deemed wholly irrelevant, if I express my conviction that our profound acknowledgments are due to the Mother Country, for her services in connection with this subject. From the days of our colonial infancy when we had no language but a cry, until now when we have a great deal to say, and even a few fishery cruisers, she has stood by us. And be it remembered, our disinherited big brother to the south has been sometimes noisy.

Since the Convention of 1818, she has negotiated three treaties and fought as many arbitrations, all about our fisheries. In the latest one of each, Canada has borne a portion only of the expenses, mainly in payments to her own employees. If the Mother Country won the case, the money was paid to us, witness the Halifax award of five and a half millions, which sum, is paying our fishery bounties to-day. But if there was a loss, she paid it, witness the payment of \$75,000, made to the United States for injuries by Newfoundlanders to American fishermen's property, and also the awards in the cases of the *Washington* and the *Argus*.

Her warships have not only been within hail, but with gun-boats and tenders from them, she, for many seasons, policed our shores and actually watched and boarded and seized trespassing fishing vessels. And the work was wisely done. There were not so many afterclaps after their seizures as there were after the colonial captures.

The services of the officials of the Colonial Office and Foreign Office, the crown lawyers, the diplomatists and statesmen of England have been freely requisitioned at the call of the colonies during that ninety years. And there are some great names among them. As late as 1886, when we thought ourselves strong

in men, Lord Rosebery, at the Foreign Office, and Lord Lansdowne at Ottawa, dealing with the American complaints of 1886, and Joseph Chamberlain, at Washington, negotiating the treaty of 1888 were really names to conjure with.

Our one great loss during the period has not been so much a loss of fish as of fishermen. And that loss has not been due to any failure on the part of the Mother Country. Thousands of our fishermen transferred their allegiance, and their homes to the American Republic because they could thus escape the duties on British-caught fish and participate in the bounties formerly paid to American fishermen. And that loss is a grievous one. But on the whole as the result of the treaties, the arbitrations and adjudications, we have come off well. In my humble opinion, that condition has been brought about largely by the Mother Country.

APPENDIX.

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Extract from report of James B. Uniacke, Chairman, of 10th April, 1837:

"It is proved beyond all doubt by witnesses of unquestionable character, that the fishing vessels of that country resort to our shores with as little concern as they quit their own; that contrary to the terms of the Convention, they purchase bait from the inhabitants and in many instances set their own nets within the harbours of the Province, and on various occasions have by force coerced the inhabitants to submit to their encroachment; and they land on the Magdalen Islands and pursue the fishery therefrom as unrestricted as British subjects, although the Convention cedes no such right. The consequence following on the train of these open violations of a solemn treaty are illicit trade, destruction of the fishery by the means of conducting it, interruption of that mutual confidence which ought always to exist between the merchants and fishermen of a country—inducing the former to supply and the latter to make payments with punctuality and formality, the luring from our shores by means of bounties the fruits of our country to their employment, reducing our population and impoverishing our Province—while they add strength and vigor to their own."

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Extract from address of both Houses of the Legislature of Nova Scotia, dated 23rd March, 1838. Journals of 1838, page 361.

"They humbly approached Her Majesty with their complaint against the citizens of the United States, who violate

'with impunity the provisions of treaties existing between the two nations to the injury and detriment of the inhabitants of this Colony.'

"The commercial eagerness which characterizes the people of the United States, aided by the spirit of their government, has for years caused them to transgress the bounds, defined by treaty and exercise rights over the fisheries of these colonies not ceded even by the unfortunate Convention alluded to; these fishermen in violation of that Convention enter the gulfs, bays and waters of these Colonies; they land on the shores of Prince Edward Island and the Magdalen Islands, and by force, and aided by superior numbers, drive 'British' fishermen from 'Banks and Fishing grounds, solely and exclusively 'British,' and by carrying on an unlawful intercourse with 'needy and unprotected fishermen induce them to violate all the laws of trade—demoralizing and contaminating the ignorant but loyal inhabitants along our extensive shores, and most essentially injuring the manufacturers of the United Kingdom, the merchants and shipowners of the Empire and the revenue of this and other Provinces.' Then, it prayed "that small armed vessels may be ordered to cruise on the Coasts of these Colonies to prevent such encroachment, or to direct two steamboats to be added to the fleet on this Station to resort to the various fishing grounds during the season, and that the Legislature will cause dépôts of fuel to be provided for them at the Provincial expense."

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Extract from despatch from Lord Glenelg of 5th Nov., 1838, in reply to General Sir Colin Campbell's despatch of 26th March last, transmitting a joint address to the Queen from the Legislative Council and House of Assembly complaining of the habitual violation by American Citizens of the treaty, and praying for additional naval protection to British interests: Journals for 1839, app. No. 9:

"It has been determined for the future to station during the fishing season an armed force on the Coast of Nova Scotia to enforce a more strict observance of the provisions of the treaty by Americans Citizens."

'Orders have been given to the Naval Commander-in-Chief 'on the Station:

"To detach as soon as the fishing season shall commence 'a small vessel to the Coast of Nova Scotia and another 'to Prince Edward Island to protect the fisheries."

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Extract from Report of Committee of House of Assembly in New Brunswick, of March 18th, 1839:

"It distinctly appears from the affidavits and certificates 'that from two to twenty sails of American fishing vessels 'are almost continually to be found at anchor catching 'fish within one mile of the shores of Grand Manan in 'audacious violation of the rights of the people of the Province, and in open and avowed defiance of any force which 'the inhabitants could possibly bring against them. They 'do not hesitate to have recourse to violence in repelling 'the fishermen of Grand Manan from their own fishing 'grounds, etc."

"The Bay of Chaleur and the adjacent Harbors are annually infested by American fishing vessels carrying on an illicit trade with the inhabitants and committing such depredations upon the fishermen as ought no longer to be endured."

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Extract from joint affidavit of the 24th January, 1838, in support of the Statement contained in the extract last given:

"Speaking of the fishery at Point Miscou, being the outermost point of the island of Miscou, as well as other British settlements, both in New Brunswick and Nova Scotia, 'embracing a line of Coast of nearly one hundred miles 'and for a period of nine years preceding, the deponents 'say: 'that for the whole of the period of time above

'mentioned, the said fishing grounds have been during the fishing season frequented by great numbers of American fishermen who are in the constant habit of coming within the line marked out by the treaty subsisting between the British and American Governments and in so doing interfering with the British fishermen, etc.:

"That this deponent has witnessed every year during the continuance of the fishing season; in the months of June and July American fishing vessels, varying in numbers from thirty, forty, fifty and sometimes one hundred at a time actually employed in taking fish, and not content with so doing in the deep waters, they approach within the small bays and close in with the shore as well for catching fish as for the purpose of taking bait, without which the fishing could not be carried on, and, in so doing frequently directly interfere with the inhabitants and British fishermen; and in some instances being the most numerous, and therefore not to be restrained or prevented, take such bait out of the nets and seines used by the said inhabitants for taking such bait, and also by the number of vessels extended in continuous lines in positions that break up and turn the schools of fish from entering the different bays and places of resort to which the said bait and other fish have been and are in the habit of resorting."

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Extract from an address of both Houses of the Legislature of Prince Edward Island of 24th March, 1843.

"From information that we have collected we find that the Americans are constantly in the habit of fishing within the prescribed distance as defined by the Convention of the year 1818, of running into our harbours, bays, creeks, etc., whenever it suits their convenience to procure bait and thus seizing the opportunity to carry on a contraband trade with the inhabitants of this island."







GOVERNOR JOHN PARR  
1782-1791

## MEMOIR OF GOVERNOR JOHN PARR.

BY

JAMES S. MACDONALD

Governor John Parr was directly descended from Lord Parr, Baron Kendal, who was a well-known nobleman, in the north of England, in the reign of Henry VIII. The arms of their family are to be seen in the Parr Chapel of Kendal Church, Westmoreland. The eldest son of this nobleman emigrated to Ireland and settled in 1620 at Belturbet, County Cavan.

In 1641, the family in County Cavan was represented by John Parr. In that year, the most bloody of the Irish rebellion, the Protestants of the neighbourhood were driven by the Irish rebels to take refuge in Belturbet Church. The rebels surrounded the church, blocked the doors, and set fire to the building. All the Parr family—nine in number,—inside the church perished, except the infant son of John Parr, who was thrown out of a window, into the arms of a faithful servant. This child named John, became the father of another John Parr, born 1672, who fought at the battle of the Boyne, and also at Blenheim, Marlborough's greatest victory.

There Parr won distinction, and the notice of the great commander. Entrusted with dispatches, at a most critical moment, in that immortal fight to a distant post, directing the general commanding to hold a most doubtful position until relief could be afforded, Parr was desperately wounded, but managed to deliver his orders, thus greatly contributing to the glory of the victory. John Parr served through Marlborough's campaign, but becoming

crippled through severe wounds, he was admitted in 1739 to the Royal Hospital, Kilmainham, Dublin, as a decayed, maimed and ancient officer. He died in Dublin in 1764, aged ninety-two. In 1702, he had married Eleanor, daughter of David Clements, of Rath Kenny, County Cavan, Ireland, by whom he had three sons and two daughters. All three sons went into the army, and the youngest, John, is the subject of this memoir.

John Parr, the future Governor of Nova Scotia, was born at Dublin, 20th December, 1725, and, after a moderate course of study at Trinity High School, he was on the 26th May, 1744, gazetted Ensign of the 20th Regiment of Foot (Kingsley's and Wolfe's Regiment). Parr was then in his nineteenth year, early in life, to enter upon a career of military activity, when the great powers of Europe were at war, and when a soldier's life was one of arduous and uninterrupted service.

At this period, Frederick the Great was making himself famous, by his ambitions and his aggressive campaigns, and Britain with her trammeling connections with Hanover, was often drawn most unwillingly into the Continental imbroglios. For fifty years, our country poured out its blood, and treasure, to preserve the balance of power in Europe, among nations, with whom she had but little in common. To-day we appreciate these sacrifices of our forefathers at their true value. The Marlborough campaigns and victories were to them of dazzling splendour, and even the reverses under Cumberland were condoned, by the gallantry of her troops; but time the great arbitrator now proclaims unmistakably, that as far as Britain was concerned, they were a succession of useless slaughters and barren in results.

John Parr's experience as a young subaltern in the 20th Regiment was arduous. It was a regiment continually in revolt and trouble. When it had the chance, it fought brilliantly, but at times had the misfortune of bad handling by incompetent officers. It was a mutiny in this particular regiment, which brought the hero Wolfe to the front. While encamped

at Fort Augustus in the Scotch Highlands in 1747, a mutiny broke out, in which the majority of the rank and file took part. Wolfe was selected to bring the regiment to reason. Our founder Cornwallis had to abandon his position in the regiment, to make way for Wolfe, who by judicious handling, the exercise of diplomacy, and common sense, as well as the summary execution of over twenty of the ringleaders, speedily suppressed the revolt, and brought the regiment to reason. Wolfe's success won the admiration of Pitt, and resulted in his appointment to the command of the forces then mustering for the operations in America.

In 1745, Parr was present with his regiment at Fontenoy, and in that obstinate and terribly contested conflict, received his baptism of fire. In 1746, he was at Culloden with the British forces, under the "Butcher" Cumberland, and was there severely wounded. For several years in the north of Scotland, he served in what was then called, the pacification of the Highlands, in which there was no glory, and much needless cruelty. For a time, he was adjutant to Wolfe then in command of the 20th Foot, and from letters still preserved by the Parr family, appears to have been on intimate terms with him. In those days when the professional attainments of most of the officers of the Army, were exceedingly meagre, and the standard of morals and manners in the service very low, it must indeed have been a very great advantage to a young subaltern, to be brought into close contact, with so cultivated and zealous a soldier, and so broad-minded and honourable a gentleman as Wolfe.

With the 20th Regiment, Parr served for eleven years, in various garrisons abroad and, on the 4th of January 1756, he was promoted to the rank of Captain, and with his corps was ordered to the relief of Minorca. In this expedition, the prestige of Britain suffered severely, for it ended in the well-merited disgrace and execution of Admiral Byng.

In 1757, Parr was with his regiment, as part of the great expedition under Sir John Mordaunt, fitted out to capture Rochefort,

which, owing to the incompetence of the commander, signally failed. In 1759, he was present with his regiment, at the glorious, but inconclusive victory of Minden.\* In this great engagement, the British forces suffered severely, the 20th Regiment behaved heroically and was practically cut to pieces. Capt. Parr was severely wounded, and had to stay in hospital at Leipsic six months, before he recovered and returned to duty. In 1760, he again distinguished himself with the 20th and the British forces, in the attack on the French at Warburg. In 1762, he was with the forces, when the allied army captured Casel. In 1763, he was advanced to the rank of Major, and with his regiment received the thanks of Parliament.

After the Peace of Paris, the regiment marched through Holland, embarked for England and arrived at Plymouth, but, without being permitted to land, was dispatched to Gibraltar, at that time, considered to be, the most unhealthy station in Europe. Here Parr, with his corps, remained six years. On 26th August, 1771, he was advanced by purchase to the rank of Lieutenant-Colonel and placed in command of his regiment, after twenty-seven years of most laborious work, in which he distinguished himself for his patient attention to duty and his intense interest in the welfare of his comrades in arms. Parr was no carpet knight; he won his spurs by devoted attention to his profession and to his gallantry which he proved on many fields.

It may truly be said that but few men who had entered the military service with him, had survived so many risks and so much suffering. There was hardly any ill incident to a soldier's life from which he did not suffer—fever, hunger, thirst, sun-stroke, broken bones, extremes of heat, cold, exposure, criminal neglect of the commissariat, these were inseparable from military

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\*The 20th was one of the famous six British regiments which, owing to a mistake in their orders advanced against the French cavalry and defeated it. The Twentieth held the place of honor at the right of the second line and lost 322 of all ranks. "I never thought," said Contades bitterly, "to see a single line of infantry break through three lines of cavalry ranked in order of battle and tumble them to ruin."

life and campaigning in those days. The battle-fields of Europe, in the middle of the 18th century form part of the history of our country and are replete in now almost forgotten records of heroism and suffering. These were the scenes of Parr's experience and exploits. The mere narration of his military career, with the 20th Foot, from ensign to colonel commanding would fill a volume. The very fact of keeping discipline under so many difficulties was an achievement of tact and skill which brought out the character of the man.

In 1761, Colonel Parr married Sara, the second daughter of Richard Walmesley of "The Hall of Ince," Lancashire, and had five children, three sons and two daughters.

From the 6th of January, 1776, until 1778, Parr resided at Dublin, his first furlough since joining his regiment in 1744. It had taken the best of his life to attain the command, and he deserves great credit for surmounting a sea of difficulties in his career, from ensign to the charge of a most difficult regiment to manage, either in garrison or field.

In 1778 by strong ministerial influence, Parr was appointed Major of the Tower of London, a position of negative importance, but with a good salary attached, one requiring "interest" to attain. This office, Parr held until the 13th of July, 1782, when he was superseded, and received the position of Governor of Nova Scotia.

Governor Parr with Lady Parr and family, arrived at Halifax in the transport *St. Lawrence*, on the 8th of October, 1782, and was sworn in as Governor and Commander-in-Chief, at a meeting of Council held on the 19th of October.

In appearance Parr was not majestic. On the contrary, he was almost insignificant, of small slight stature, withered in face, but erect, with an uncommonly bright eye, sharp metallic voice, and quick, jerky walk, with the look of one who had passed through many difficulties, and had surmounted them. Our townspeople always sharp in taking stock of a new man, at once

named him "Our Cock Robin" which stuck to him, until they buried him ten years after his arrival, under old Saint Paul's Church.

There were at least two disappointed men present at the meeting of Council at which Parr took his oaths of office. Lt.-Gov. Hammond, who had been promised the position, openly expressed his chagrin and anger, and retired shortly after to Britain. The other was Lt.-Gov. Michael Francklin, who for several years had felt the resentment of the Legge faction in London, but who, conscious of his steady loyalty and trusting in the justice of the home authorities, believed up to the moment of the arrival of Parr in Halifax, that he would be re-instated in the office of which he had been so unjustly deprived. To Francklin, Parr's appointment was fatal, and he really died of disappointment, within one month after the coming of Parr to assume the position of Governor of the Province. Parr arrived on the 8th of October. Francklin died on the 8th of November, 1782.

The unpleasantness connected with his appointment did not appear to disturb Parr. It soon wore away when the Council found that the new Governor was an eminently practical man, willing to avail himself of the advice and experience of his advisors, and although not brilliant, yet possessed of a good stock of sound common sense, with an evident anxiety to discharge his duties in a prompt business-like manner, with a single eye to the comfort of all he came in contact with. He proved worthy the estimate formed of him by his advisors, and in the changing conditions of the Province, caused by the revolution in the neighbouring colonies, and the coming to Nova Scotia of a vast body of helpless loyalists, Parr with his life long experience of war, and its alarms, wants, anxieties and emergencies, was the ideal Governor.

To-day the majority of Nova Scotians look upon this crisis in our past history with indifference. The French and American writers bring up *Evangeline* and mourn over an imaginary heroine

to the exclusion of all feeling of justice for the people of their own kin, who suffered for their loyalty to their country. Governor Parr has never had full justice given him for his ceaseless exertions at this period of our history. Fortunately, our provincial records bear ample evidence, of how he worked and sacrificed himself, in originating, and, when necessary, seconding the Council in measures for the relief, assistance and settlement of those martyrs to their convictions,—the Loyalists of 1776-1783.

Parr was sworn in Governor in October 1782, and peace with the new republic was proclaimed on the 30th of November, 1782, and in December, a great number of ships and troops, with a large number of Loyalists, arrived from New York, and Parr's work began.

With this great work of humanity and mercy, Parr's name will be ever associated. Every day of 1783, found Parr and his Council busy in providing shelter, accommodation and food for the Loyalists. Every week brought its quota, to swell the already over-populated town. The feeding of such multitude, at that time, was a most arduous task. The flour mills at Sackville were kept at work night and day, to provide bread. Parr worked steadily, and methodically, as he had done all his life and being a seasoned veteran, it is said, was able to work at times twenty out of the twenty-four hours at the task of providing and arranging for the subsistence of such a host. The great problem was how to have them housed, before the severity of winter set in. The troops came by shiploads, and the vivid experience of Halifax at the declaration of war was repeated. Every shed, outhouse, store, and shelter was crowded with people. Thousands were under canvass on the Citadel, and at Point Pleasant, everywhere indeed where tents could be pitched. Saint Paul's and St. Matthew's churches, were crowded, and hundreds were sheltered there for months. Cabooses and cook-houses were brought ashore from the ships, and the people were fed near them on Granville and Hollis streets. There were many deaths, and all the miseries and unsanitary conditions of an overcrowded town. For four months, the bulk of these 10,000 refugees were

fed on our streets, and among them were many reared and nurtured in every comfort and luxury in the homes they had had to fly from.

In many cases these poor people had no warning but to go or die. The virulent hatred of the republicans for the loyalists can be best understood by reading the manifesto of the Boston Republicans, 9th April, 1780.

"Resolved that this town will at all times, as they have 'done to the utmost of their power, oppose every enemy to the 'just rights and liberties of mankind, and that after so wicked a 'conspiracy against these rights and liberties, by certain ingrates, most of them natives of these states, and who have been Refugees 'and declared traitors to this country. It is the opinion of this 'town, that they ought never to be suffered to return, but to be 'excluded from having lot or portion among us, and all their 'previous rights as citizens forfeited and divided among faithful 'lovers of their country, and this committee of correspondence 'is requested, as by the laws of this commonwealth they are fully empowered, to write to the several towns in this common- 'wealth and desire them to come into the same or similar resolves, 'if they shall think fit."

The above resolution was carried unanimously, although the new Congress had solemnly guaranteed adequate protection to the lives and property of those who had suffered for King and Country. The different states adopted the same course as Massachusetts, and really nothing was given back. In most of the States, they had been proscribed as traitors; in all, their property had been confiscated, and Massachusetts led the van in the cruel persecution of the very best of her people. The legislators of the several States had not left the Loyalists in doubt as to their status. The laws plainly defined a traitor as one who adhered to the King of Great Britain. He who acknowledged allegiance to England, should suffer death without benefit of clergy. In Philadelphia two of the leading citizens Mr. Roberts, and Mr. Carlisle were seized on suspicion only and condemned

to be hanged. Their wives and children went before Congress, then in session and, on their knees supplicated in vain for mercy. In carrying out the sentence, the two men with halters round their necks, were marched to the gallows behind a cart attended with all the apparatus, which makes such scenes truly horrible. A guard of militia surrounded them on the march to death. At the gallows, the behavior of these martyrs to their loyalty did honor to human nature and both showed fortitude and composure. Roberts told the spectators, that his conscience acquitted him of guilt, that he suffered for doing his duty to his sovereign, and that his blood would one day be required at their hands. Turning to his children, he bade them farewell and charged them to remember his principles for which he died and to adhere to them while they had breath. A witness of his execution wrote,—“He suffered with the resolution of a Roman.” After the execution, the bodies of the two men were carried away by friends, and their burial was attended, by over 4,000 of their brother Loyalists. Some of the heartless leaders of the Resolution defended this severity and thought that hanging the friends of King George would have a good effect, and give stability to the new government. Another suggested, that the Loyalists seemed designed for this purpose by Providence, as his head the King, is in England, his body the loyalists in America, and the neck ought to be stretched. All legal rights were denied a Loyalist. He might be assaulted, black-mailed, insulted, or slandered. Yet he had no recourse in law. They could neither buy nor sell. In New York alone over \$3,000,000 worth of property was acquired by the State. The result was, large manors and estates were cut up into small lots and divided among the common people, thus closing out any hope to the Loyalists ever claiming their property again. Washington himself approved heartily of the confiscation and justified this act of wholesale robbery. It was in vain that the Loyalists protested and pled for justice. Such appeals fell on deaf ears. If continued protest was made, the Loyalists were adjudged offenders, and thrown into the common prisons, which in that day were places of horror. One of the most terrible of these prisons was the famous Simsbury

mine in Connecticut, in which thousands were imprisoned. In its varied horrors which shamed those of Siberia, its terrible severity and cruelty, several of the Loyalists, imprisoned in the hole, have left graphic descriptions.

On approaching the dungeons, the victims were first conducted through the apartments of the guards, then through trap-doors down to a prison, in the corner of which opened another trap-door, covered with bars and bolts of iron. This trap was hoisted by a tackle disclosing a deeper depth which the keepers called Hell. The prisoners descended a ladder down a shaft of about three feet in diameter sunk through the solid rock. Arriving at a platform, they descended another ladder, when they came to a landing; then they marched in file, until they came to a large hole, where a great number of prisoners were confined. The inmates were obliged to make use of charcoal, to dispel the foul air, which was only partially drawn off, by means of an auger hole, bored from the surface. Imagine the horror of this dungeon so overcrowded, full and dripping with moisture, and the prisoners lacking every necessary for existence. The mortality was frightful, and the unsanitary condition of the prison, a blot on humanity. The few released from this frightful captivity were compelled to give bonds never to return. Death was the penalty of returning to their homes.

In the anxiety to escape the merciless persecution of the rebels, the nature of the land they were flying to had not been studied. From Nova Scotia some of the Loyalists who had come to Halifax on the outbreak of the Revolution, sent back most favourable accounts. There were, they said, great business opportunities as well as the mere necessities for subsistence. Saw-mills could be erected, and a great business carried on, with the West Indies. The fisheries would develop into a great industry. In fact they were assured, they might in our loyal province quietly enjoy a comfortable life, freed from the detested tyranny of seditious and rebellious demagogues. Lured by these representations, over 29,000 left New York within a year. Some

endured the privations encountered, with great patience, but soon they complained of the outlook. One wrote, "All our golden promises have vanished. We were taught to believe this place was not barren and foggy, as had been represented, but we find it ten times worse. We have nothing but His Majesty's rotten pork and unbaked flour to subsist on. It is the most inhospitable climate that ever mortal set foot on. The winter is of insupportable length and coldness, only a few spots fit to cultivate, and the land is covered with a cold spongy moss, instead of grass, and the entire country is wrapt in the gloom of perpetual fog. But there is one consolation, neither Hell nor Halifax\* can afford worse shelter than Boston or New York to-day." The rebels at Boston heard with delight these tales of discontent from Nova Scotia. They nicknamed our province, "Nova Scarcity." It was a land, they said, which belonged neither to this world nor the other. It was enough to give one the palsy just to look at the map. However it is no more than the Loyalists deserve.

Meanwhile in the new Republic, the career of persecution went on without pause, and violence and imprisonment and starvation awaited all, who were even suspected of loyalty to Britain. In many places, men and women were tarred and feathered, and even hanged for daring to remain or even claim their property. The Loyalists had no other course open to them, than to leave the country, and their homes where they had hoped to die.

"They left the homes of their fathers, by sorrow and love made sweet,

"Halls that had rung a hundred years, to the tread of their people's feet,

"The farms they had carved from the forest, where the maples and pine trees meet."

\*Can this phrase refer to the old saying that coupled Hell, Hull and Halifax?

It is impossible to tell exactly, how many persons altogether became exiles. All the men who had taken an active part in the war, and were consequently most hated by the revolutionists, certainly left the United States. As we know for a fact that 20,000 men fought in the regularly organized royal regiments, we may fairly estimate, that about 100,000 men, women and children, were forced to leave and scatter throughout the world. Of this number about 35,000 came to the provinces of the present Dominion of Canada. More than two-thirds of the Loyalists settled in the Provinces of Nova Scotia and New Brunswick, the remainder in the Valley of the St. Lawrence. Most of them ended their days in poverty and exile, and as the supporters of a lost cause, history has paid but a scanty tribute to their memory.

During 1783, Parr and his council succeeded in settling several thousand of the Loyalists in the countries of Annapolis, Digby, Shelburne and Guysborough, which was so named from Sir Guy Carleton who settled several hundreds of disbanded soldiers in that beautiful county. But what a host had to be attended to! The condition of the majority is thus described by Governor Parr in letters to the Home Government in August 1783. "Most wretched and helpless, destitute of everything, chiefly women and children, still on board the vessels, and he had not been able to find a place for them, though the Winter and cold was setting in very severe." Rude huts were erected during the early winter, for the temporary accommodation of these unhappy people. The British Government granted pecuniary compensation and lands to the Loyalists who had suffered for the Empire, but it took years to have these claims adjusted, and relief afforded. Many of them totally unfit for manual or farm labor, professional men, felt the keen misery of their situation in hope deferred; several writing "That this delay of justice by the British Government, had produced the most shocking results." Eventually, the exiles who made out their claims, were voted by the British Parliament—£16,000,-00 cash. Many received annuities, and half-pay officers, large grants of land, and offices in the province.

In August 1783, Parr received instructions from Governor General Carleton, to hasten, if at all possible, preparations for the reception of a further arrival of a large number of Loyalists.

"The merciless treatment of many innocent old Loyalists, "by the Boston people, shamed humanity itself by the "ruthless destruction of property, necessary to their support." Sir Guy also wrote to General Washington, that the utter disregard of the Vigilance Committees of Boston, and even in Philadelphia where Congress was in session, was such, that he was obliged by his relation to his government, and by humanity itself, to remove all who should wish to be removed. This removal, in view of the evacuation of New York by the British forces, had to be made in haste. Parr had this additional work to look after, and rations were issued by agents, under his direction, throughout the winter, to between nine and ten thousand persons. In September 1783, Parr received instructions from the Colonial Office, to visit and inspect and report, at once upon the position and prospects of the new town, which the Loyalists had built, on the southern shore of the province, at a place called Razoir. Parr sailed at once in the man-of-war *Sophia* and arrived at Port Roseway, two days afterwards. He landed and spent several days inspecting the town, and interviewing the people. He received a formal address, and in his answer, announced his instructions from England, and signified his intention to name the settlement Shelburne, in honour of Lord Shelburne, afterwards Marquis of Lansdowne, Secretary of State for the Colonies. The health of the King, and prosperity of the town and district of Shelburne was drunk amid cheers from the Loyalists and a general salute from the ships. Justices of the peace were appointed, an elegant dinner was served, and a supper was given. Parr made a good impression and he sailed from Shelburne amid many testimonies of satisfaction from the inhabitants, who at this date numbered 5,000, augmented a few months after by the arrival of another 5,000.\*

\*See Collections of the N. S. Historical Society, Vol. VI, Watson Smith

Before the close of the year, after the evacuation of New York, 25th November, 1783, 2000 more Loyalists arrived at Halifax and 400 Negroes from New York. Many of these were slaves, and preferred following their owners to Nova Scotia; they proved a curse to the province for generations. Parr and the Secretary Bulkeley\* worked night and day, without rest, in the endeavour to meet the emergency. At this day we cannot form the faintest idea of the magnitude of the task of caring for so many helpless people, almost paralysed by despair at their changed circumstances in life and ruined prospects; but Parr and Bulkeley worked well in the completion of the enormous task which circumstances had imposed upon them in sheltering and feeding, the great multitude congregated at Halifax and Shelburne, at the close of 1783. Codfish, molasses and hard biscuit, were the principal items, only a very limited supply of meat could be obtained. Meal and molasses sustained the negroes. Codfish exported to Jamaica, by our merchants, had to be sent for and bought back to sustain life in the people but in spite of all this trouble, Halifax quietly progressed. Many houses were erected on the principal streets, replacing the old shacks which had survived the early days of the settlement, the rotten material of the torn down hovels being eagerly seized by the poor people without shelter of any kind, and re-erected on the side of the Citadel Hill. There was a large amount of money sent out from England to help the refugees. Many artisans were among the new-comers. There was a great fleet in the harbour, and large garrison of troops to be fed and clothed. Great consignments of all kinds of goods were constantly arriving and although, there was much suffering and disease, Parr writes to England, that the merchants had acquired large means, although some of them had extorted as much as £3. 10s. for a hundred weight of flour.

In the autumn of 1783, Edward Fanning arrived from London and was sworn in Lieutenant-Governor of the province, to aid

\*See Collections of N. S. H. S. XII, *Richard Bulkely*, by James S. Macdonald.

Governor Parr in the great work of settling the Loyalists. Fanning proved a popular and sensible official. He was an Irish Protestant of Ulster, possessing great estates. How he came to accept such a troublesome appointment was long a mystery, but it has since transpired that he had hopes of eventually being promoted to the position at Quebec, in other words Governor-General of Canada. He proved himself a most practical official, and gave Parr great aid in the settlement of the Loyalists.

The Indians at this date had ceased to give trouble. They had given up hunting for support, and in large numbers encamped at North West Arm and Bedford Basin. Rum had already begun to play havoc with them and their usual demoralization ensued. The last of their public festivals was held this year on the 8th of May, on the shore of the North West Arm, near the site of the Chain Rock Battery, at foot of road leading down from the Tower in Point Pleasant woods. It was the Festival of Saint Aspinquid of Mount Agamonticus, the great Indian Saint of old Acadia, falling on the day of the first quarter of the moon in May. His festival was celebrated by Indian dances, winding up by all partaking of a huge dish of clam soup, the clams being dug and cooked on the spot. A large number of Indians and townspeople attended, and the celebration was proceeding merrily and in good order, when some rebel sympathisers attempted to drink success to the new Yankee Republic in rum distributed among the people, and the festival closed in great confusion. That was the last Indian celebration of a festival, which for many years, under the direction of Francklin, had been looked forward to by Indians, and even our people, as a little holiday, for a simple and quiet amusement, but the death of Francklin, and the rebel complexion sought to be placed on the affair that day, ended the matter for ever.

In January 1784, Parr writes to Lord North, that in consequence of the final evacuation of New York by the British troops, and the continued persecution of the Loyalists, a considerable number of refugee families, had followed to Halifax, and sub-

sistence for 4,000 people had to be provided for, in and about the already overcrowded town. This would cause great expense, for in the depth of winter, they could not be sent into the country. He adds, "I cannot better describe, the wretched situation of these people, than by enclosing a list of those just arrived in the transport *Clinton*, chiefly women and children, scarcely clothed, utterly destitute, still on board the transport, crowded like a sheep-pen as I am totally unable to find any sort of place for them, and we cannot move them by reason of the ice and snow." Again in February, Parr writes for further supplies, for the thousands who came too late to be located on lands, outside Halifax. He writes further that over 25,000 of these poor people have arrived in this unlucky season, and he expects great mortality before the spring opens.

Parr's fears were well founded, as hundreds of the new-comers died from cold, exposure and fever, before the 1st of June.

Several thousands of the Loyalists, who had come to Halifax in 1782, and had been forwarded to St. John River, and formed a settlement there, which they named Parr Town, in compliment to Governor Parr who had exerted himself so generously in aiding their location, were joined between 10th and 20th of May 1783, by several thousands from New York direct. They suffered greatly during this winter of 1783, which was frightfully severe. Many lived in bark camps and tents, covered with spruce, rendered habitable only by the heavy banks of snow, piled up to keep the wind away. Many perished from the exposure. In the spring of 1784, the snow covered the ground until May, and the difficulties of the settlers were increased and aggravated by doubts as to location of their promised grants of land, and the coldness and jealousy with which they were received by the old settlers on the St. John River. However the mass of the new-comers were a clever people and worked intelligently. They represented the matter to Governor Parr and demanded a new survey of several sections held by the old settlers. Parr sent Chief-Judge Finucane over to adjust matters and to aid

in settling the people, but this created great dissatisfaction. They expected Parr to come, but, from motives of policy, he did not care to face a lot of the cleverest lawyers on the continent, and so sent the Chief-Justice. It is needless to say Finucane had a hard time to adjust the debated points. They complained of the tyranny and injustice of Governor Parr and the council at Halifax. Supplies of the necessities of life were granted them for three years, and Finucane made every endeavour to have the survey of the appropriated lands carried out to their satisfaction, but without success. Parr writes to the Secretary of State, about Finucane's efforts, to settle the people on St. John River, as speedily as possible, "I can assure your Lordship, that no attention was wanting, to procure as many surveyors as could be obtained, whilst the people, for whose services they were obtained, refused them the slightest assistance, without being assured, that they were to be paid for it." During 1784 the settling of the refugees proceeded rapidly, but great suffering ensued, as the majority were utterly unsuited to help themselves.

Later on in 1784, Parr writes to the Home Office, that a total of nearly 30,000 souls, 4882 families had been located in the Province, on lands most suitable for occupation.

To be exact in this particular return, we must quote Colonel Mase's official report, in which he gives full particulars of the population of Nova Scotia 1783-1784.

<i>Old British Inhabitants.</i> From the settlement in 1749 and including those settlers which had come to Nova Scotia by inducement of Lawrence after the expulsion of the Acadians .....	14,000
<i>Of Loyalist and Disbanded Troops</i> who came from 1776 to 31st Dec. 1783, Refugees called New Inhabitants.....	28,347
French Acadians .....	400
	<hr/> 42,747

This return includes 3,000 Negroes who came with the Loyalists. The Indians are not given as they were not part of the settled communities.

In this letter, Parr recommends arrangements being made for additional representation in the House of Assembly. On the heels of this communication to the Secretary of State, he received a dispatch from London informing him that the Province of Nova Scotia was to be divided. The lands on the north side of the Bay of Fundy were to be erected into a new government under the name of New Brunswick. Colonel Thos. Carleton was to be governor of the new province, Cape Breton, and the Isle of St. John, subsequently called Prince Edward's Island were to be separate provinces under Lieutenant-Governors, subject to the control of the Governor of Nova Scotia; and a Governor-General would reside at Quebec and preside over all the British provinces in North America. Thus was Nova Scotia divided and shorn of much of her past importance and prestige.

The separation of Nova Scotia into a number of provinces went into effect without delay, and the Loyalists of St. John went fairly crazy over the inauguration of their Governor, Colonel Carleton. New Brunswick was to be the banner province, the home of the freemen of North America. In their address to Carleton they speak of his coming to crush the growth and arrogance of tyranny and injustice, that they were a number of insulted and oppressed Loyalists, etc. The expressions used in the address, were tinctured strongly with fierce resentment against the people and government of Nova Scotia. It would have been hard for these people to have produced any real evidence of insult, tyranny or injustice on the part of Governor Parr or his officials, or of any contempt on the part of the people of Halifax toward the newcomers, in their unfortunate plight. On the contrary, the people of Halifax, from Parr and Fanning down, exerted themselves in every way, to meet their wants, and to alleviate their distress. But great allowance must be made for people, who by the cruel events of civil war, are forced to exchange happy homes for a wilderness, a milder climate for a rugged one, and who for a long time were drifting on a current of disaster. These early traits of ingratitude in our New Brunswick friends are still apparent at times, in a

persistent belittling of Halifax and its people. But then we have to consider the better chances we have enjoyed in our broader field of action, and so overlook the little hereditary weaknesses of our sister city and its people.

In 1784, Parr opened the General Assembly with a sensible address, reviewing the troubles the Province had surmounted, during the past year. This may be called the Long Parliament of Nova Scotia, having existed over fourteen years. It had sat for seventeen sessions since it was first convened, 6th June, 1770.

For some years after the foundation of Halifax, the British authorities passed various laws, which prevented Irish or English speaking Catholics from holding titles to land, building churches, or obtaining the ministrations of their own clergy, although a large number of Irish, nearly all Roman Catholics, were living in Halifax.

In 1783, these obnoxious regulations were repealed, and, in 1784, a small church was erected on west side of Barrington St., near the head of Salter St., close to the spot now occupied by the Cathedral of St. Mary. When completed it was painted red, and had a steeple at the western end. The Rev. James Jones, the first Irish priest in Nova Scotia, was in charge of the parish.

In 1784, Parr greatly interested himself in the inauguration of a new industry, which at the time looked promising. Messrs. Cochran and Holmes, leading merchants, had a whaler fitted out at Bristol, England, in January, and on 12th September, she arrived at Halifax with her first cargo of sperm oil and whalebone, taken on coast of Labrador, which realised at auction £2500, (\$12,500.) The success of the enterprise encouraged the firm to fit out other vessels, and for a number of years, gave good employment here, and splendid returns to the management. It was a great success until a number of Quakers from Nantucket, interfered and undertook to settle Dartmouth with

a company of whalers. They bought out Cochran and Holmes, and prospered for a time, but finding Halifax a poor centre for distribution, they removed the plant to Wales, and so an industry disappeared, which promised well and did well for years, until interfered with by outsiders. This was an early object lesson, but it failed to warn or teach our people. In recent years, have we not seen the same repeated,—good sound companies selling out to foreigners, and in a short time, from various causes, again sold out, or merged with most unprofitable undertakings, to the detriment of our citizens and city.

This year £500 sterling was voted to Governor Parr, for the support of his table, on account of the unusual number of strangers he had to entertain daily at his residence. The disbanding of several regiments, at this date, gave Parr and his council, a great amount of work and anxiety in regard to their support and subsistence, before their lands could be made sustaining. The commander of a Hessian regiment, Baron de Seitz, died at Halifax. He was a gallant officer and an honest man, and was buried under St. Paul's with great ceremony. Instead of the ordinary shroud, he was clothed in full regimentals; his sword by his side, his spurs upon his feet, and an orange in his hand according to the old feudal custom in Germany, when the last baron of a noble house dies. His hatchment hangs in St. Paul's. The memorial runs thus:—

"In memory of Fritz Carl Godman, Baron de Seitz, Colonel and Chief of Hessian Foot, and Knight of the order *pour la vertu militaire*, in the 65th year of his age." His property was sold in Halifax, a ring with eleven diamonds, coach and three horses, etc. The vault under St. Paul's, in which he was buried, was broken open, and rifled of sword, spurs and jewellery, insignia of his order, etc. A reward was offered, for arrest of the perpetrators, but without result.

At the close of 1784, Halifax presented the appearance of a town that had suffered by the inroads of an invading army.

Collections of old shacks on the shores, or beach, which had sheltered the Loyalists, remnants of old tents, and spruce wigwams, on the common, which had been erected, and subsequently abandoned, as their owners were removed, to their new holdings throughout the Province, bore silent evidence of the poverty and suffering of the great multitude, which in its passage, had made our town a resting place. Still matters were not all in decay. The established merchants had been successful. Enormous quantities of fish, lumber, rum and bread-stuffs had been imported, and sold to good advantage. Many of the mercantile men were becoming wealthy.

The Scottish Guild of Merchants of 1761, had been reinforced in numbers by many Scotch Loyalists who at the beginning of the troubles leading up to the Declaration of Independence, in 1776, had for the past eight years, been gradually settling in Halifax. With Scottish prudence, they could only forecast disturbance and ruin, for many years ahead, for communities in revolt, and so came from Boston, New York, Philadelphia and Baltimore to this great centre of loyal Britons, where they could find a field for their enterprise and energies. Among them was Anthony Stewart, from Baltimore, father of Hon. Jas. Stewart, for many years Solicitor-General of the Province. Anthony Stewart was a leading importer, and most enterprising merchant of our city, a man possessed of great intellectual abilities, which he devoted to the public good. With him came Charles Adams, William Shaw, William Cater, the Vieths, the Gordons, Mensons and Gibbons, the Sloans of New York, followed by the Benvies and Gordons of Boston. These Scottish merchants were all well settled here in trade, before the great migration of Loyalists in 1783, and so were in a position to advise and give a helping hand in the arrangements, for the aiding and settling of their friends crossing the border to our loyal town and province. Many of these men came with considerable funds. At the very commencement of the outbreak, they began quietly to realise on their holdings and so came to Halifax in a position to take advantage at once,

of the circumstances surrounding them. They were accused of being clannish, to an extreme degree. Certain it is, that if one missed a chance to make a profitable hit in trade, another Scot was always handy to prevent the chance passing into alien hands. The North British Society, our oldest national institution, was founded in Halifax in 1768 and absorbed the entire Scottish Mercantile Guild of Halifax. The greater number of the wealthy Loyalists became members, and at the celebration of St. Andrew in 1784, a most joyous dinner was held at the Great Pontac Hotel, at which one hundred were present. Anthony Stewart, the great Loyalist merchant presiding, surrounded by the Halliburtons, the Benvies, the Thomsons, the Gordons, the Lennoxes and the Copelands, all like the president, patriotic Scots, who had come to Halifax for King and Country, and, it may be added, to make considerable fortunes. Governor Parr, Lieutenant-Governor Fanning and the Council were present and the celebration was one noted for the number of talented speakers who enlivened the proceedings. With all our prejudices in favor of the advancement in intellectual efforts of the present day, we fear our speakers to-day would cut a sorry figure in competition with these worthies of 120 years ago, were it possible to have such a tournament of culture, wit, and expression.

In 1785, Parr and Fanning with Bulkeley, were busy in attending to the settlement of the Loyalists on the various lands selected over the province, and in forwarding rations to those already settled. It was a work of great magnitude, as the settlers would not afford the slightest assistance to the surveyors, sent to lay off their allotments. Chief Justice Finucane who had also been a hard worker with Parr, in settling the new comers, died this year, from anxiety and over-work. He was buried under St. Paul's. His escutcheon hangs in the church. The late Chief-Judge was greatly esteemed in Halifax as an upright judge and accomplished gentleman.

This year Lieutenant-Governor Fanning, had a residence built at Point Pleasant, just below the old tower, opposite the

present government wharf. He entertained there for a number of years. He had a first-class garden, and his flowers and fruit, were long talked of. It was near the favorite walk of the town, and the roads at this date were kept in excellent condition. John Howe, father of the greatest of Nova Scotians, who had lately come to Halifax with the Loyalists, and had established a newspaper, and was appointed post-master in succession to Mr. Stevens, lived north of Governor Fanning, with whom he was very intimate. These were the first residences on the eastern side of the North West Arm. Parr often visited at the two houses, and was very friendly with post-master Howe.

Governor Parr had a set-back to his popularity this year. A petition was presented by the inhabitants of Halifax, praying for a charter of incorporation for the town, but Parr by the unanimous voice of the Council led by Bulkeley, refused this request, on the grounds, that it was neither expedient, nor necessary. The existence of a separate body, having the sole control of town affairs, would have in a great measure the effect of depriving the Council, of the supervision, which they no doubt deemed for the interests of the community, should remain with the Government. It led to a great discussion among our people, and several public meetings at the Pontac, at which Bulkeley and Parr were severely criticized. The St. John people had a charter of incorporation granted them, by Governor Carleton, 18th May, 1785. By its provisions, St. John was divided into six wards, with mayor, recorder, six aldermen and six assistants, chamberlain, sheriff, marshal, treasurer and coroner, a facsimile of New York charter. There was no trouble in working it. It went on without any delay, and it is not to be wondered at, that our Halifax people should feel aggrieved, at being so shabbily treated by Parr and the Council, when our town contained so much wealth and intelligence. But as usual, we have been famous for protests, but easily dropping them. We allowed fifty years to elapse, before we insisted upon a charter, which we had asked for in 1785.

Among matters of note we find that in 1785, Edward How was appointed a Justice of the Inferior Court of Common Pleas, for Annapolis County. He was second son of the Capt. How, assassinated by the noted Acadian, Beausoleil, by instigation of Le Loutre while negotiating with the French under a flag of truce, near Fort Lawrence in 1750. Another item worthy of remembrance, was the appointment of James Boutineau Francklin, eldest remaining son of the late Governor Michael Francklin, to the position of Clerk of the House of Assembly, which he held until his death in 1826. He was the father of Mrs. R. F. Uniacke, the wife of Rev. Robt. Fitzgerald Uniacke, of St. George's Church,—the Round Church, Halifax.

One bad sign of domestic matters in old Halifax in 1785 may be noted. In the course of twelve months. no fewer than twenty criminals were hanged, mostly for minor offences and petty robberies; three were negro slaves, who had only lately arrived from New York with Loyalist families. One suffered death for theft of a bag of potatoes. The cruelty of the age and indifference to the taking of a human life for so slight an offence, as it was proved the poor wretch was starving, was a stain on the humanity of our so called Christian people. The process of justification in the light of mercy or compassion must have been a curious one with judge and jury. They were no doubt honest men, acting up to their lights. In looking back to-day, we can only regret that the men were dull, and the lights dim.

In 1786 Governor Parr by Royal Warrant ceased to be Governor of the province and received the appointment of Lieutenant-Governor, under Governor-General Sir Guy Carleton, residing at Quebec. Thus Parr was the last Governor and Captain-General of Nova Scotia.

At same time, as was intimated by private advices from Colonial Office, it was the intention of the King, to bestow upon Parr a baronetcy, in recognition of his services to the Loyalists, and his good work as Governor of Nova Scotia. This honour

Parr begged leave to refuse, on the score of not being well enough off, to support it, another instance of his good sense and judgment.

During 1786, the town began to look quiet. War excitement had ceased. The coming of Loyalists, was a thing of the past. The floating population had disappeared. The over-crowded streets of the past years, looked almost deserted, but our merchants were prospering and sending many vessels abroad. The province was being opened up. Great roads were laid out, and the influx of the Loyalists, many of whom were men of family and education, was in the main advantageous, although the influence they wielded, owing to their great favor in the eyes of the King, gave them a growing ascendency, calculated to throw in the back-ground the merits and services of those families who had originally founded the British colony here, and who had largely contributed to the defence of the land in the French wars.

Still Halifax wanted change. For a long generation it had been the centre for large speculations. War, which for a space had failed, had been almost continuous since the founding of the town. It had attracted great numbers to participate in the benefits offered by the prizes brought in by the fleet and privateers, and condemned and sold by the Court of Admiralty. Vast fortunes had been made in this manner, and Halifax had become famous the world over for the success of its merchants. Its population during these times of war and peace had come and gone like the tide. If war was active, and the Court of Admiralty busy, and prize money plenty, thousands of cormorants were attracted to the plunder,—if a brief breathing spell of peace came, the population faded away like a dream, and our streets became empty. With Parr came a long peace, 1782 finished a long war. Thence on to his death in 1791, Halifax had ample time to turn a new leaf, from the feverish and turbulent activities of its past, to the more enduring work of building up and consolidating the varied interests of peace

and progress. The ten years of Parr's administration of government marked the disappearance of thousands, who were but the flotsam and jetsam of an excited period of our history: men who had no living interest in the welfare of our province, who had come for plunder alone, and swelled the demoralization of a garrison and naval station.

During Parr's administration, several important settlements were made through the province, notably Shelburne in 1784, and Parrsboro in 1786. Guysborough was also settled under the guidance of Sir Guy Carleton, with several disbanded regiments of veteran soldiers. Our exports of lumber and dried fish increased. Our merchants, particularly Brymer and Belcher, Michael Wallace, Black, Forsyth & Co., and the Scottish Guild of Mercantile men, sent large consignments to the Mediterranean and the East. The deep-sea voyages were founded. The trade for sugar and indigo was begun. The profitable and long monopolised trade with Mauritius was inaugurated by our leading men. The Charitable Irish, the St. George's, the High German Societies were founded during this term of office. The streets were improved and Halifax put on the semblance of a quiet British town, instead of the swaggering improvident and dissipated rendezvous appearance, which had marked its make-up since its foundation in 1749. In the interval, a large number of wealthy men had left Halifax for Britain. They had accumulated wealth and retired from business, but at this time there were many who had been fortunate, and preferred to remain. The greater part of the large fleet and garrison was ordered home, and the inhabitants having time to spare, engaged in a ceaseless round of dissipation. It began with a levee and reception on January 1st, 1786.

The 5th January, Queen Charlotte's birthday, was celebrated by universal drinking, and by a grand ball at the Pontac. The description in the Gazette two days after, will serve for about ten other social events, which took place between New Year's day, and the 14th of February. It runs thus,—

A brilliant assembly was opened at the Pontac, where the splendid array of the Cytherian train, and the confectionary preparations of Signor Lenzi, exhibit a most celestial appearance. The ball began at half after eight and considering the numerous concourse of subscribers, who were chiefly dancers, and the consequent confusion of so crowded a company, the whole was conducted with that necessary good order and impartial regulation that afforded additional pleasure to everyone present, and honor to the gentlemen who officiated as managers. At the close of the fifth country dance, supper was announced in the most romantic manner by the sudden elevation of a curtain that separates the two rooms, and displayed to the enraptured beholders a complete masterpiece of pastry work. In the middle of the table sprung up an artificial fountain, in defiance of the frost itself; and on each side, at proper distances were erected pyramids, obelisks and monuments with the temples of Health and Venus at the top and bottom. During the course of the repast, the music attended to delight the ear and pleased the more delicate senses, while the great variety of most exquisite dishes served to gratify the palate.”\* Dancing was resumed at 12 o'clock and continued without lull or abatement until 5 when the company retired and in a brief time the disposal of the toast list to the number of twenty was engaged in. The healths of the after meeting by the gentlemen were superb. The toast of the evening was Miss Sarah Gray, the beauty of the Assembly, a New York lady here on a visit to the Newtons. The tradition is that 700 bottles of different brands and vintages of fine wines were consumed at this rout. The gentlemen retired at 11 o'clock on the morning of January 6th. This little scene of enjoyment and relaxation was designated at that day in Halifax “the lively *abandon* of harmless mirth.”

During the summer of 1786, Prince William Henry, afterwards William IV, the immediate predecessor of Queen Victoria, arrived in Halifax. He was then styled the “Sailor Prince.” In after years, he was known to his subjects as the “Cocoanut-headed King.” Grenville in the satirical memoirs of the court has described him well. When in Halifax he appeared to be a good-natured nonentity, but was feted and flattered and slobbered over by our officials to that degree, that he could

\*Murdock, III, 47f.

not help fancying at times, he must be a creature of superior intelligence, "as they all told him so, and they could not be all wrong." The Prince landed from the frigate *Pegasus* at the King's Wharf, which was crowded with the numerous officials. Governor Parr was there with General Campbell, and Admiral Byron, and the usual number of loyal and devoted admirers, who conducted him up the wharf, to Government House, then situated on the spot where the Province Building is at present. There is a little lane, running up from the King's Wharf, south of the present Custom House, and its opening as a thoroughfare, was to give the Prince a short cut, from his ship, moored near the wharf, to Government House.

Here the Prince was bored to death with numerous addresses. At last the young man, sick of the endless speeches, begged Parr to let him off easy, and expressed a desire to be considered as only a naval commander. The request was granted, and several long addresses were merely handed unread to the Prince. The streets were crowded with people anxious to get a glimpse of a live Prince. He stayed here a week and sailed for Jamaica.

The next week the town was again in a social uproar. The Governor-General, Sir Guy Carleton, lately elevated to the peerage as Lord Dorchester, and suite, arrived from Quebec. Balls were given, addresses presented and a general fuddle indulged in. Assemblies, dinners, receptions and card-parties at the Pontac, Golden Ball, Mrs. Sutherland's Assembly Rooms, Roubelot's and Morris's, formed one gay and tireless round of frivolities. These routs and dinners were no doubt pleasing, but they were exceedingly costly, as all the above named places of festivity and fashion made fortunes for their owners.

Early in 1787, Dr. John Haliburton, a Loyalist, who had come from New York in 1782, was elevated to the Council. This created a mild sensation in Halifax, as there were several of our old and influential townsmen who had better claims to the position, and Parr came in for an amount of most undeserved censure. He was only acting under strict instructions from the

Home Government to give the Loyalist settlers preference in all future appointments to office. It became the opinion among our old and settled inhabitants, that these "damned Refugees," as they were popularly styled at that time, were in the swim for any or all the appointments offering. This was emphasized by the fact that Dr. Haliburton had already received a very lucrative office, as director of the Medical Department of the Navy on the station. Another refugee, Blowers, had recently been made Attorney-General of Nova Scotia and Speaker of the House of Assembly. They were coming in for all the best offices available, and of course there was dissatisfaction among the people who had borne the heat of the day in building up our province and keeping it loyal to the Crown.

On August 11th, 1787, His Majesty by letters-patent created the Province of Nova Scotia an Episcopal See. The coming of the Loyalists gave a great impulse to the growth of the Church of England, as nearly all of the 28,000 who found their way to the Maritime Provinces belonged to that faith, and on the 12th of August, 1787, the Rev. Dr. Charles Inglis who had been Rector of Trinity Church, New York, and forced to fly from the country, when the revolution was successful, was consecrated at Lambeth, as the first Bishop of Nova Scotia, and of the colonies, with jurisdiction over the provinces of Upper and Lower Canada, New Brunswick, Prince Edward Island, Bermuda and Newfoundland. He was also member of the executive Council, and exercised great influence in the government of the Province. He was the founder of King's College in 1789. The Halifax people would have greatly preferred a leading cleric, who had for years been a great favorite in the Province, or failing him, some leading divine from England direct, instead of one of these New York office-grabbers, but soon after this event there were appointments made which were even less satisfactory to our Halifax people, and the grumbling continued. The newly appointed Bishop was a most interesting man, and he was grand-

father of Sir John Inglis, the defender of Lucknow, whose portrait adorns the Legislative Council Chamber.

On the 28th June, 1787, Prince William Henry again visited Halifax, and was received with great enthusiasm by our Halifax people. A live Prince is always an object of adoration in Halifax. The Governor and Council took him to Government House, and presented the usual addresses. The clergy followed. The town had its turn. Then the grand jury, and justices fell down and worshipped the Royal Calf. Then he dined with a select few, and it was so arranged that the artillery, in front of the present building, saluted after each toast was given. In the afternoon a most bibulous reception was held at the Golden Ball, followed by a ball at the Pontac. The latter was a magnificent affair. Dancing was continued with great spirit until midnight, when the company were conducted to the supper room upstairs, where tables were laid for 200 persons. The Prince occupied with the Governor and Bishop an elevated dais under a white satin canopy. The after fuddle was long remembered in Halifax. The toast-list embraced almost everything imaginable. Thirty-five toasts were duly and heartily honoured and the company adjourned at 7 o'clock next morning.

It is related that the Prince was overcome by the sentiments and hospitalities of his numerous entertainers, and was finally put to bed, royally drunk, as a Prince could be, and should be, in that drinking age, at Government House.

Late in November 1787 the Prince and the fleet came back from Quebec, and there was another display. The Governor and Council, Bishop Inglis, General, Admiral and all the notables were at his reception at King's Wharf. The royal standard was hoisted and addresses were presented rivalling even those presented a few months before in sycophancy and adulation. The House of Assembly was present and in its address exhausted every known term of eulogium. Fulsome, sickening drivel was its chief characteristic. How sensible hard-headed men could descend to such depths of unmanly servility is

almost beyond conception. We have to-day most certainly made a little advance in this line. After the slobber was over, the march was resumed over a carpeted street between double lines of troops to the Golden Ball, S. W. corner of Sackville and Hollis Streets, cannon firing from batteries and ships, bands playing, etc. Another address at the tavern and the inevitable dinner to a large concourse of officials, House of Assembly, 185 in all. Only thirty bumper toasts were drunk by half-past six, pretty slow work for a public dinner; but we must explain the function was not half over, perhaps the company were only half seas over. The Prince and Parr retired. In the evening at 9 o'clock the Prince and suite entered the ball-room of the British Coffee-House, a new and elegant tavern that day opened by Mr. A. Callendar adjoining the north end of the Ordnance Wharf, Upper Water Street. Here dancing was continued till daylight.

Next day the Members of Legislature voted £700 to defray the cost of entertaining the Prince, and this it must be remembered passed unanimously by members who could not obtain a £100 each for their much wanted county roads and bridges, of that early day in Nova Scotia.

The same day, they declared during a discussion on the want of public schools, that they must express apprehensions of evil to our youth, if sent to the United States for instruction, where they would imbibe principles unfriendly to the British constitution. They could not but be conscious that Nova Scotia, in point of situation, climate, salubrity of air and fertility of soil, was inferior to no country. They could not be jealous of its honour. The dinner, ball and supper had no doubt made them proud of British institutions.

In September the Governor of New Brunswick, lately appointed Commander of the Forces in Nova Scotia, arrived in Halifax to inspect the garrison, but was not honored with a public reception, which called down the wrath of the St. John people, who greatly complained of our bad feeling and jealousy.

In 1788, our floating population lessened, but the merchants flourished by their exports, and the town slowly improved in appearance. The success of the great promenade on Barrington and Pleasant Streets, called "The Mall" and from which advertisers in the *Royal Gazette* and the *Weekly Chronicle* began to date their notices of goods for sale, instead of from Pleasant and Barrington Streets, induced the merchants on Granville Street to make improvements on that thoroughfare. A broad planked platform was placed on the lower or eastern side-walk, which extended from the corner of Buckingham Street along Granville, to Hartshorn & Boggs' corner on George St., then the board walk extended to Hart's corner, where the Royal Bank now stands. This walk was the resort of the merchants, and between eleven and twelve every day, it was the custom, if fine, for many of them to congregate, and for years it was preferred to the Guild of Merchants offices in the Pontac tavern, corner Duke and Water Streets.

Two theatres added to the amusements of Halifax at this time. The Grand was on Argyle Street, near Duke. The New Grand was on Grafton St., lower side near Prince St. They were well patronized by our people. The prices of admission were Box 5/-, Pit 3/-, Gallery 2/-. Characters were taken by a limited number of professionals, assisted by amateurs,—gentlemen of the Army, Navy and Town. This year the advertisements of the theatres particularly request the ladies to dress their heads as low as possible, otherwise the people sitting behind cannot have a view of the stage. The town at this date found full employment for four friseurs. The "head" was an important make-up for ladies and gentlemen in that age of wigs, cues and powdered hair dressing. Hair-dressing was an important and lucrative profession. Messrs. Clarke, Kinnear, Osborne and Holmes were leaders of fashion at this time. Then came a dozen barbers, but they were not on the same level as hair-dressers.

In 1788 there was a number of the English aristocracy in Halifax, who with their wealth and lavish entertainments, con-

duced to injure the tone of society. The presence of the Prince and the fleet on the station, drew them here for amusement. The Earl of Eglinton, Lord Montmorris, and other wealthy noblemen, with a host of younger sprigs of nobility, and needy relatives, filled the hotels. Drinking, gambling, and kindred vices followed in their train. They departed with the Prince, and our little town was the better for their going.

From a moral standpoint, Nova Scotia, especially Halifax, at this date, did not occupy in the eyes of the world a very enviable position. A looseness of conduct and an open indifference to moral, as well as religious law prevailed to a fearful extent. In social life the greatest laxity of conduct had sprung up. Sacred ties were broken without remorse, and men learned to smile and applaud the most unhallowed scenes of dissipation. Our proximity to these days is even yet too close to admit of a searching scrutiny into the morals of the community, but it would be unfair to pass over in silence a subject of so much moment.

Bishop Inglis shortly after his arrival to take charge of the Diocese of Nova Scotia, was so impressed with the fearful condition of the community, the general tone of society and the debasing examples of open immorality, that in taking his seat in Council, he urged that steps be taken by the Government to erect barriers against the impetuous torrent of vice and irreligion which threatened to overwhelm the morals of the entire province and community. The knowledge of these facts is enough. The particulars are unnecessary. It is needless to recall the vices of this particular phase of our history. Happily that period of indifference has passed away, never to return.

By the advice of his Council, seconded by his own desire for the comfort of the new settlers, Parr this year made repeated visits to the different settlements of Loyalists throughout the Province. Thus he went to Guysborough in the *Dido* in 1788 and 1789. He visited Parrsborough in 1790 and was several times at Annapolis and Weymouth, and especially Windsor.

Shelburne he visited, and he corresponded with several of the settlers.

His general administration of public affairs had been most satisfactory, and he had become popular; but at this time there arose a great difficulty which had the tendency to make great divisions and turmoil throughout the province, and to give the action of Parr and his Council a most partisan character in the eyes of a portion of the people. In the Legislature a motion was carried to investigate the administration of justice in the superior court, which resulted in the impeachment of the Judges Isaac Deschamps and James Brenton, for maladministration of justice. The charges were investigated and found correct on every count. The matter was referred to the Council, and the examination was conducted by Parr and Council behind closed doors. While the investigation was going on, Judge Deschamps struck the names of the attorneys who made the charges, off the roll of attorneys, and great excitement ensued. This may be regarded as the period when party divisions were first experienced in Nova Scotia. The attack, or rather charges, on the judges were made by two lawyers, Sterns and Taylor, who were Loyalists. The judges belonged to the original settlers, or old inhabitants, and so the division began. In January 1788, Attorney-General Blowers, another Loyalist, was made member of the Council, which created a vacancy in the representation of the county of Halifax. In February an election was held. Sterns the Loyalist, had 374 votes, and Morris who represented the old inhabitants, obtained 415. A great riot ensued, the Loyalists acting most violently. Many were beaten badly. One man was killed; and several were severely injured. Riotous mobs for three days paraded the streets, and attacked all whom they suspected of being on the opposite side. At last, the military were called out, and quelled the disturbance. This was the first division in politics, and it was called "*old comers*" and "*new comers*." The party divisions thus originated, existed for years, extended to the House of Assembly, and for twenty years the battle was fought out in each election, and

at all meetings of the Legislature. The debates which for the first time were printed, are of the most lively description. The Governor was blamed for being influenced by the voice of his Privy Council. Finally Parr and his Council declared the judges innocent of the charge preferred against them, but afterwards decided to refer the entire case to the Privy Council. Meanwhile the press was busy publishing accounts of the affair in language most brutal and offensive, and Sterns and Taylor collected all the letters written by their friends, and combining them with the very serious charges they had made, and indeed proved to the satisfaction of the Legislature, published hundreds of copies of a pamphlet, which is getting rare. Another pamphlet supposed to be published by Bulkeley, entitled "a Vindication of Governor Parr and Council in re the Impeachment of the Judges, by a Halifax Gentleman," was issued in London, and much read in Britain. Finally after an interval, the Privy Council justified the Governor and Council in their action, in exonerating the Judges, in the following dispatch from the Home Office:

"The Committee of Her Majesty's Privy Council before whom the charges exhibited by the House of Assembly against the Assistant Judge of the Supreme Court have been heard, have reported to His Majesty that after mature consideration of the subject, they cannot find any cause of censure against those gentlemen and consequently have fully acquitted them, which report His Majesty has been pleased to confirm."

A whitewashing of the most glaring kind.

In 1790-91 there was a great scarcity of bread in Halifax. A famine existed throughout Canada, and flour and bread-stuffs went up to fabulous prices. Fish and potatoes saved Halifax, supplemented by hard sea-biscuit imported from England, Newfoundland and Jamaica. These articles of coarse provender, saved many from starvation as they had done on many previous occasions. Rum was to be had in abundance, and that active

agent appeared to balance the scarcity of flour. We look in vain through old files of our papers for a scarcity of the ardent. What a calamity it would have been considered, did that good consoler fail. The famine continued in severity for nearly two years. Meanwhile the revenue from licenses to sell rum increased, and it was proved before a committee of the Assembly, that most of the roads within fifteen miles of Halifax, had been made and kept in order from the funds obtained from the licenses granted.

During the autumn of 1791 a number of negroes were collected from the counties outside Halifax, to be shipped to Sierra Leone. They were a shiftless lot, many of them slaves, who had come to the province during the revolution. The expense was borne by an English philanthropic association, called the Sierra Leone Company, which had interested itself in the welfare of the negro.

On the 17th of November, 1791, Governor Parr held a meeting of Council, to ask advice in arranging for the shipping and removal of these negroes from the province, as the Secretary of State had directed him to hire vessels for the purpose.

It proved Governor Parr's last meeting with the Council, as he died on Friday, 25th of November, 1791, at one A. M., of apoplexy, in the sixty-sixth year of his age.

On Tuesday the 29th of November, the funeral took place. Governor Parr had been Grand-Master of Free Masons and the several Lodges attended. The 20th Regiment, which Parr had commanded and which was in garrison when he died, also attended. All the forces were under arms. The officers of the fleet were present, headed by Sir Richard Hughes, a former Lieutenant-Governor. The Royal Artillery and the 16th and 21st Regiments lined the streets. The ships and batteries fired minute guns. At the entrance of St. Paul's Bishop Inglis received the body, which was placed near the altar, and the funeral service proceeded, after which the coffin was lowered into the vault, under

the middle aisle of the church. The 20th Regiment fired the entombing volleys. The popularity of Parr was exhibited in the unbounded regrets of the immense number of Halifax people present.

Parr died poor. He had exhausted much of his means by purchasing his successive steps in rank, at that time reaching several thousand pounds sterling. Those were the days of purchase, and no brilliancy of service could balance a want of influence and money at the war-office. Parr's widow and two daughters left almost immediately after his decease for London. His eldest daughter, Catherine, a youthful widow of the late Capt. Dobson, of the 20th Regiment, was married to Hon. Alex. Brymer, a former paymaster of the forces in Halifax garrison, on January 1st, 1796, in London.

Two of the sons went into the army and died without issue. The third son, Thomas, went into the East India Company's service and was assassinated when resident at Sumatra in 1807. Two of his children, a boy and a girl, had been sent to England, but his widow and two younger children embarked for England in the East Indiaman *Georgina* in 1807, and were lost at sea. The surviving son, Thomas Clements Parr, went to Eton and Christ Church, Oxford, and was for some time on the National Ecclesiastical Commission. He married in 1836, Melice, eldest daughter of Sir Chas. Elton, Bart. of Clevedon Court, and had three sons and five daughters. Of his three sons, his eldest, Thomas Rowatt Parr, served some years in the Rifle Brigade and died 1906. His second son died young, and his third son living is Maj. Gen. Henry Hallam Parr, C. B. and C. M. G., now residing in England, to whom the writer of this paper is greatly indebted for necessary data for compilation.

The family of Governor Parr is now represented by Major Clements Parr, late Oxfordshire Light Infantry, son of Thomas Rowatt Parr.

During Parr's administration of nine years from 1782 to 1791, the welfare of the people was his study and care. His name will be ever associated with the coming of the Loyalists to Halifax and the province in 1783. His deep solicitude for their relief, welfare and settlement should never be forgotten by their descendants. He was not brilliant, but was the very man to suit the time he lived in, a plain, upright soldier, who prided himself on his attention to duty, and who endeavoured to discharge the obligations of a distinguished position with integrity and honour.

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PARR'S HATCHMENT  
IN ST. PAUL'S CHURCH

Courtesy of  
*Rector and Church Wardens St. Paul's,  
Halifax, N. S.*





## HALIFAX AND THE CAPTURE OF ST. PIERRE IN 1793.

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By REV. T. WATSON SMITH, D. D.

(Read 26th February, 1901.)

In 1793, only twelve years after the American Loyalists had found in Nova Scotia a refuge from Whig bitterness, some startling intelligence reached Halifax.

On April 13th of that year, the lieutenant-governor, John Wentworth, Esq., communicated to the members of the Council and the House of Assembly, then in session, the contents of a despatch he had just received from the Right Honourable Henry Dundas, Secretary of State for the Home Department. "The persons exercising the supreme authority in France,"—as the revolutionary leaders were styled in British official circles—had on February 1st declared war against His Majesty" of England. Of this fact the King's subjects in Nova Scotia were to be informed as widely as possible in order to prevent, on the one hand, "any mischief they might otherwise suffer from the French," and on the other, to "do their utmost in their several stations to distress and annoy" the enemy. To prevent "the mischief" the governor was requested to raise a provincial regiment, of which he should be colonel; and, as an encouragement to "distress and annoy" the French, the people of the province were to be informed that "letters of marque or commissions of privateers "would be granted "in the usual manner;" and that his majesty would consider the owners of all armed ships and vessels as having a just claim to the king's share of all French ships and property they might capture. Assuming at the same time that human nature would lead to the adoption by Frenchmen of similar expedients to "distress and annoy," the owners and captains of all homeward bound British merchantmen were advised to sail only under convoy of a ship-of-war.

Such measures as were possible were at once taken. The provincial government directed a proclamation of war with France to be made by the sheriff of each county, and a little later, appointed Friday, May 10th, to be observed as a day of fasting and prayer. Recruits for the proposed regiment were sought in various parts of the province, and the *Hussar* ship-of-war was on the 29th of April sent out on a cruise in search of French shipping. In the meantime the usually quiet Halifax harbor assumed a decidedly warlike appearance through the arrival on April 30th of H. M. S. *Alligator*, Capt. Wm. Affleck, from Portsmouth, with two French privateers and two French West Indiamen—the cargoes of the latter valued at £40,000—captured by the *Alligator* on her passage out; and by the landing as prisoners of the several captured crews.

Only one military expedition from Halifax was possible—for the capture of the French islands of St. Pierre and Miquelon, and as a result of the deliberations of lieutenant-governor Wentworth and Brigadier-General James Ogilvie, commander of the forces, preparations for the expedition were at once begun.

From a popular point of view, the "objective" seemed an insignificant one, at least it might seem so today. The small cluster of islands to be captured lies off the southern coast of Newfoundland, at the mouth of Fortune Bay, about thirteen miles from the peninsula of Burin, the nearest point of Newfoundland. Great Miquelon, about twelve miles in length, is the largest island in the group, and is now connected by a sand bar, the scene of numerous wrecks, with Little Miquelon, or Langlade Island, of nearly similar size. This double island, mainly a mass of rock, having no harbor, is the home of several hundred inhabitants, who live by fishing and the small amount of farming possible under the circumstances. There are seven small islands, Colombier and Isle aux Chiens being the principal, but all the interest of the group may be said to centre in the unique town of St. Pierre, situated on the east side of the island of the same name. This bustling little seaport, over whose harbor a large image of the Virgin placed on a rocky height

keeps watch, contains about 5000 resident inhabitants to whom an equally transient population is added during the fishing season. Judge Prowse, in his "History of Newfoundland," describes it as being "like a bit of old France transported to the New World, the creaking ox-cart, the click of the sabot on the ill-constructed *trottoir*, the Breton, Basque, and apple-cheeked Norman women, the *patois*, the French windows, the gay colors, and, last of all, the fanfare of the bugle as the town-crier proclaims at each corner of the streets and squares, after a preliminary blast of the trumpet, that Mr. Solomon will sell some "bonnes vaches à lait" at the Quai de la Roncière punctually to-morrow at ten o'clock, all these varied sights and scenes remind us of "La Belle France." To this list of "sights and scenes," which to a mere visitor give the place an indefinable charm, and make it seem like a stage on which a medieval play is being enacted, the Judge might have added the gendarme in his gorgeous attire; the faggot-gatherers at dusk, as we see them in old pictures; and the "tambour," giving the inhabitants each evening to understand by the roll of his drum that it is ten o'clock, when cafés must be closed and lights must soon be put out. These, it may be assumed, are in part traditions of their Norman homes, to which they tenaciously cling.

The Bank fishery, of which St. Pierre is the French headquarters, provides France with an important part of her fish food supply, amounting to 70,000,000 pounds, and giving employment to more than five thousand fishermen. A few garden vegetables are the only products of the land.<sup>1</sup> The town of St. Pierre is the seat of government for the colony; and the governor's residence, court-house, hospital, and large chapel with convent and schools, are the principal buildings. St. Pierre is also, at the present time, the landing place of two transatlantic cables.

If, from a popular point of view, St. Pierre and Miquelon may have seemed an insignificant object for attack, they were not thus regarded by leading English and French statesmen. The

<sup>1</sup> The islands are governed by a governor and small staff appointed from Paris, and a legislative council chosen by the people.

valuation of even a town-lot, depends not so much upon its size as upon its location. On no piece of her territory abroad of the same area, with perhaps the exception of Gibraltar, has Britain expended a greater portion of her revenues than on the Bermudas, a cluster of islands little, if at all, larger, than St. Pierre and Miquelon, and this for the reason, as given by an old writer, when speaking of their relation to the American coast, that they constitute "a small bit with which to hold in check a wild horse." France, regarding the St. Pierre group from this point of view, and prizes them as a training place of hardy seamen for her navy and mercantile marine, and, perhaps most of all, as an indispensable head-quarters for her banks fisheries, has in more than one instance accepted them in lieu of much more imposing domains, which the British Government, on the other hand, knowing the embarrassment likely to arise in case of war with France from their occupation by that power, and finding even in early days what Canada and Newfoundland have experienced in recent years, how immensely the use of these French islands as a resort for smugglers was diminishing the revenues of the neighboring British colonies, made the successive cessions of the islands to France under severe restrictions, and even then failed to satisfy the demands of the English merchants, who urged, but without success, that Britain should retain, unhampered by any concessions what again and again she has won by force of arms.

Sir Humphrey Gilbert took possession of Newfoundland in 1583. The French took possession of St. Pierre and Miquelon in 1662, when they seized Placentia and endeavoured to capture Newfoundland: in 1713 the British compelled all the inhabitants, as they did all the French in Newfoundland, to withdraw. After fifty years of occupation by the British, they were ceded by the treaty of Paris in 1763 to France as a port of refuge for her fishermen, on condition that no fortifications should be erected and that not more than fifty French soldiers should at any one time be stationed on the islands. Soon after the ratification of the treaty of Paris a large number of French settlers arrived, among

whom were not a few of the recently expatriated Acadian families.<sup>1</sup> In 1778, when France had taken sides with the revolutionary American colonies, Rear-Admiral Montagu, governor of Newfoundland, without even a show of resistance captured the islands, and in accordance with instructions from British destroyed all the buildings and sent to France the 1932 fishermen and farmers (the French say 1300) found there. At the close of the Revolutionary War, France having again taken possession of the islands, most of the former inhabitants returned.

To this later repossession of St. Pierre by France English politicians and commercial men, wearied by a long and unsatisfactory war, seem to have made only a slightly audible demur. It was at the previous cession of St. Pierre and Miquelon, by the Treaty of Paris, in 1763, that the intense feeling of intelligent Britain on the subject of their ownership found utterance. The fortunes of the mother country have never been under the guidance of a more imbecile government than that which, under Lord Bute, the royal favorite, replaced, on the accession of George III, the ministry of which the Earl of Chatham, the elder Pitt, had been the vigorous and marvellously successful leader. A strong section of Lord Bute's ministry was even in favor of restoring Canada to France: that this was not done was mainly due to the vigorous protests of the American colonies, through their able diplomatist, Benjamin Franklin. France professed dissatisfaction with the British offer of St. Pierre under certain restrictions, and sought to secure Cape Breton, or Prince Edward Island, but at length offered to accept Canseau. The earnest efforts of New England and Nova Scotia, aiming to prevent a French foothold on the American continent, again interfered with France and led the Bute ministry to decline to hand over Canseau; but when the British officials offered to throw in Miquelon, France accepted the original offer of St. Pierre, although bound by that offer, as before, to desist from any fortification of the islands, to station on them not more than fifty soldiers at any one time, and now also to permit an English commissary to reside at St. Pierre, and the commander

<sup>1</sup> Gov. Palliser wrote to Lieut.-Gov. Franklin of N. S., Oct. 1766, "Miquelon is full of Acadians, who have come there with passes from diff't officers in your govt."—Prowse, 331.

of the British warship on the Newfoundland station to visit the islands to see that the specified conditions were being complied with.

Against this concession, guarded as it was, and the concession of certain privileges of fishing and curing fish on certain sections of the Newfoundland coast, the whole commercial interest of Britain raised an outcry. It was well-known that the French banks fisheries owed in a very large measure their value to the French occupation of St. Pierre and Miquelon as head-quarters: English merchants knew that the commerce of England had suffered very much from the French navy and the privateers of Dunkirk, that the fisheries were not only a great source of wealth to their enemy, but the chief nursery for her seamen; on strong national as well as on commercial grounds they therefore opposed any concession. The Common Council of London, as representing the whole mercantile interest of Great Britain, transmitted to the House of Commons peremptory instructions to the city members. The Newfoundland fishery, it was said, was worth more than all Canada. They declared that the sole and exclusive right of fishing in the American seas should be reserved to the subjects of the British crown; a claim by no means so extravagant as at first sight it appears, when one remembers that France had then ceased to be the owner of a single foot of territory on the continent of North America, north at least of Louisiana. "All the ablest and most patriotic Englishmen of the day were opposed to the fishery clauses of the treaty: the pamphlets and periodicals of the time are full of denunciations of Bute for this and other measures included in the treaty. The scurrilous Wilkes and the unscrupulous Churchill abused and caricatured the authors of the treaty in every mood and tense of objurgation."<sup>1</sup> In the House of Commons, where Lord Bute carried the treaty through by a great majority, he was openly charged with bribery, and £300,000 named as the sum received by him from France; and Lord Chatham, who said that he had to be allowed to be seated while speaking, denounced in one of his

<sup>1</sup> "History of Newfoundland," by D. W. Prowse, pp. 312, 313.

most magnificent speeches, the infamous treaty. It will perhaps be remembered that Junius, in his celebrated letter to the Duke of Bedford, one of Bute's colleagues, and British commissioner in the negotiations which resulted in the treaty, does not scruple to charge the duke with bribery. After having enumerated the several points yielded to their antagonists, France and Spain, both of which through the vigorous war measures of the Chatham ministry had become clamorous for peace, and having named the Newfoundland fishery among these, the great satirist goes on to speak of them as "glorious monuments of your Grace's talents for negotiation. My Lord, we are too well acquainted with your pecuniary character to think it possible that so many public sacrifices should have been made without some private compensation. Your conduct carries with it an internal evidence beyond all the legal proofs of a court of justice." And at the present day, when the recent strained relations between Britain and France have been prevented from reaching an acute stage through repeated extensions of the *modus vivendi*, at serious cost to Newfoundland, there seems much to justify the language of Lord Chatham, when, in the course of his great philippic against Lord Bute, he declared that England's exclusive right to the Newfoundland fisheries, and to the possession of St. Pierre and Miquelon was an object worthy to be contested by the extremity of war, and not to be surrendered though the enemy was master of the Tower of London. When such was the conviction of England's greatest statesman, it is not strange that some feeling of unrest through the presence of France in these islands should have continued to haunt the mind of lesser men placed at the helm of state at home, or of subordinates abroad.<sup>1</sup>

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<sup>1</sup>An instance illustrative of this unrest may be found in the records of the Council of Cape Breton, from which we learn that late in the autumn of 1787, the Lieutenant-Governor, Col. William Macormick, sent Captain James Graham to St. Pierre and Miquelon, in accordance with instructions from Lord Sydney, to watch the proceedings of the French and observe the nature of their fortifications; and that Captain Graham, through the severity of the weather, was detained there throughout the winter.

The attack on St. Pierre and Miquelon, planned by Gov. Wentworth and Brigadier-General Ogilvie, in 1793, proved an easily successful affair. It was ascertained that in December, 1792, there were in garrison only thirty, or thirty-five men, most of whom were frequently in the fishing boats, and that of the eight twenty-six pounders in the islands only three were mounted, the others lying on the shore. A French 74-gun ship was said also to have been in the harbor, but it was reported later that, having been injured by being on the rocks, she had sailed for Boston for repairs. With no further information, a frigate and several armed vessels and transports, some of the seamen for which had been seized in town by the press-gang, and on board of which was a detachment of Royal Artillery, with a part of the 4th Regiment, sailed on the eighth of May from Halifax. Captain Meagher, of Musquodoboit, went as pilot, and, for greater safety, John Lee, Esq., of Main-à-Dieu, C. B., a former privateer's man, it is believed, was directed to board the fleet off Scaterie Island, a special flag by which his boat was to be known having been forwarded to him.

The people of St. Pierre, meanwhile, were undisturbed by any knowledge of danger. They had been engaged, in somewhat childish fashion, in playing at republicanism. The outer edge of the wave of the French Revolution had early touched the distant colony, and the officials, though appointed under the Royalist régime, had been so far affected by it as to adopt Republican terms for their travesties of deliberative assemblies, which were sometimes held in the church at St. Pierre, even the prefect apostolic seeming to have accepted the French idea of "equality." Chateaubriand, the celebrated French traveller, who visited the group in 1790 and was pleasantly entertained by the governor, says in a brief description: "The new French flag floated over our heads." All did not, however, move serenely in the Commune de Saint Pierre et Miquelon, as Republican rulers termed the islands. The curé of Miquelon refused to swear allegiance, and with a large part of his flock, among whom must have been some Acadian exiles removed to the Magdalen Islands, under British

rule. Some others, about the same time or a little later, among whom were also Acadians, found their way to Arichat and the adjacent parts of Cape Breton. Republican influence then triumphed. A large spruce tree was transplanted from the opposite shore of Newfoundland, and on April 8, 1793, solemnly planted as a "tree of Liberty" in the square of St. Pierre, with all the pomp and circumstance which French ingenuity under such limitations could devise.

But little time was allowed the "tree of liberty" to obtain a root-hold among the rocks of St. Pierre. On the 5th of May, less than a month from its planting, boats from Newfoundland carried tidings to the liberty-intoxicated citizens that war had been declared between France and Great Britain. On the 7th and 9th of May, there were sittings of the Assembly of the Commune, at which a Committee of Defence was appointed to mount and plant the cannon and collect the provisions, the stock of which was becoming inconveniently small. Four days later, on the 13th, the ships from Halifax, arrived off St. Pierre, and on the next day landed the troops on the back of the island. Thence the 4th regiment, under Gen. Ogilvie, marched across the island to the town of St. Pierre, while the fleet, enlarged by the force under vice-admiral King, governor of Newfoundland, and consisting of two ships-of-the-line, three frigates and four other vessels sailed around and into the harbor. The authorities of the colony asked for terms of capitulation, but, finding their request useless, surrendered the place without having fired a single gun. The French officials and few soldiers, with the 1502 other inhabitants, most of whom were fishermen, were held as prisoners, and considerable quantities of fish and flour were captured. On the part of the captors the best possible order was preserved, no charge of any kind being preferred against them.

The sequel to this speedy and bloodless capture was slow and trying. It was so to the authorities in Nova Scotia, to whom the British government, holding themselves responsible for the expense of transportation, entrusted the management of the re-

moval of all the inhabitants from the islands. Much more trying must it have been to the unfortunate Frenchmen, especially to the elder members of the old Acadian families. These Acadians, who had gone to St. Pierre and Miquelon nearly thirty years before, accustomed to the most fertile spots of Nova Scotia, had soon become dissatisfied with their rocky retreat, and had requested removal to France: there they had grown restive under the grinding tyranny and oppression pervading in France under Louis XV., and thence were glad to recross the ocean to the rocky islands they had left. Such were now destined to be deported for the fourth time from their homes, in ignorance as to the spot which was to furnish a rest for their weary feet, if indeed such a spot were to be found short of the grave.

For this wholesale removal of the French inhabitants the English authorities were wholly responsible. In a despatch from Mr. Dundas, dated Oct. 8, 1793, that gentleman wrote to Mr. Wentworth: "If no opportunity has presented itself for sending to Europe the prisoners from St. Pierre and Miquelon now at Halifax, you will lose no time in taking up vessels on the most economic terms without regard to their particular size or burthen, for the conveyance of these prisoners to Mr. Dobree, agent for the prisoners at Guernsey, who will receive instructions concerning them." These prisoners had then been in Halifax for several months. General Ogilvie, on his arrival on Thursday, June 20, from St. Pierre, with H. M. S. *Alligator* and five transports, had been accompanied by M. Danseville, for several years governor of the colony, as a prisoner of war, and by more than five hundred other prisoners. M. Danseville, on parole, had been permitted comparative freedom, in expectation of the arrival of the others. Governor Wentworth had engaged the fishery buildings and residence at Melville Island, in what he called the North West River, at a rental of sixty pounds per year, and had fitted up the whole with berths; but General Ogilvie, dissatisfied with this arrangement, on landing them on the <sup>the</sup> day following sent them to the Cornwallis Barracks.<sup>1</sup>

<sup>1</sup> Mr. Harry Piers, an authority on the military history of Halifax, informs me that "Cornwallis' Fort was situated at the eastern end of the present Artillery Park, nearly opposite the High School. A barracks was within the fort, and the building probably remained long after the fort itself disappeared."

The presence of these and other French prisoners in the town during the summer and winter of 1793 was greatly to the governor's discomfort, and not wholly without reason. With rumors of French warships hovering around the coast or preparing to sail from United States harbours for the destruction of Halifax, a measure our fathers' republican neighbors were neither slow to suggest nor encourage, and in the absence of the three regiments of Imperial troops by which Halifax was then usually protected, the presence among the prisoners from St. Pierre, whom Mr. Wentworth represents as being "violent democrats to a man" of the captured crews of French warships and merchantmen, afforded some just cause for anxiety. In one of his not wholly unaccountable nervous fits, he wrote to Gen. Ogilvie from "Friar Lawrence's Cell, Aug. 2, 1793," in reference to a "project said to be entertained by the French prisoners from St. Pierre to act hostilely and set fire to the town should the French fleet then at New York attack Halifax."

The conduct of the captured commandant, or governor, M. Danseville, seems through this and subsequent years to have given no cause for complaint. His attack of republicanism at St. Pierre must have been slight. When forwarding a memorial from him to the Duke of Portland in December, 1794, Gov. Wentworth informs that official that he "behaves discreetly, and professes to be a Royalist, in the view of Mr. Wentworth, who was terribly afraid of "democracy", and perhaps with good reason after his New Hampshire experiences, a most precious quality. This easy-going French gentleman, of whom Chateaubriand, in his description of his visit to the French Islands in 1790, writes as "an officer full of politeness and friendly zeal," appears to have quietly settled down to his fate, which was not an altogether unkindly one. Liberty to move about town was permitted him, and for a number of years he resided at Dartmouth on the place known as Brook House, about two miles out of the town. In St. Pierre, he pointed out to Chateaubriand with some pride the spot he called his garden. At Brook House, he is said to have built a fish-pond and laid out walks among the beech

and white birch groves near the house, most of which have disappeared. A pension from the British government, amounting in 1803, to nearly \$850 per annum, was continued until the peace of 1814, when he returned to France, a zealous royalist. Similarly guarded, we believe was the conduct of Gov. Danseville's secretary, Louis de Mizanzeau, brought at the same time a prisoner to Halifax. His home at the Eastern Passage, where he married a farmer's daughter, and where a good many years later he died, was, during the earlier years of the last century, a temporary home for a number of young men of Halifax, who availed themselves of his services as an excellent teacher of the French language.

During the winter of 1793, the other inhabitants of St. Pierre, in number approaching a thousand, remained on the islands, awaiting their disposal by the English government. The captured colony was in the meantime placed in charge of Major Thorne, with the head-quarters and several companies of the 4th Regiment, whose presence for a year, if one may judge from a humorous account of a dinner-party given by the officer in charge, and described by Aaron Thomas, Purser of H. M. Frigate *Boston*, at St. Pierre in July, 1794, made the little French town, occasionally at least, the scene of some affairs more convivial than creditable.

Correspondence during the winter of 1793, between Mr. Dundas and Mr. Wentworth, whom Mr. Dundas requested to confer with the commander-in-chief and other leading officials, led to a decision to remove at once all the remaining inhabitants from the islands. "His Majesty's commands," Mr. Wentworth wrote on April 21, 1794, to the Governor-General, Lord Dorchester, "having been signified to me for the total removal of the French from the islands of St. Pierre and Miquelon, I shall lose no time in executing their instructions." Some modification of the original plan took place, however, and Gen. Ogilvie's original proposition that the St. Pierre folk should be settled in certain parts of Nova Scotia so far prevailed that a number of families, on the expression of a wish to that effect, were to be

brought to the province. Some others, deemed unsafe as settlers from a political point of view, were to be furnished with provisions for a short time and allowed to leave in their own shallops for any place they might choose beyond the king's dominions, to be counted as so many exchanged prisoners. The remaining prisoners, declared "democrats," were to be conveyed across the ocean to Guernsey, it being intended that "not one resident" should remain on the islands, which Mr. Dundas informed Governor Wentworth were to be thereafter "occupied solely as temporary fishing-posts attached to His Majesty's government of Newfoundland."

The shipment of the "democrats" to Guernsey began in earnest in the early summer of 1794. A number of vessels were employed in transporting prisoners and stores between Halifax and Guernsey, via St. Pierre, and between St. Pierre and Guernsey, direct. On May 26, the *Ellegoode*, a fine New Brunswick ship, owned by Messrs. Thompson and Reed of St. John, sailed from Halifax for Guernsey, with 223 prisoners on board, under convoy of H. M. S. *Daedalus*, the prisoners to be held for exchange: 170 others were to be sent off a few days later by the ship *Lucy*. Through successive despatch of vessels, there remained at St. Pierre on the first of July only 354 persons, who, with the exception of any individual or families whom the authorities might deem it safe to settle in Nova Scotia, were to be at once sent across the ocean in vessels to arrive from Halifax. As the vessels sent were insufficient to convey all the prisoners awaiting them, on account of the liberal space allowed them for the removal of personal property, the brig *Mary* sailed from Halifax on the 24th of August, to take on board for Guernsey the remaining inhabitants. When these had sailed, and the head-quarters and several companies of the 4th Regiment had returned to the mainland, the intention of the captors was fully carried out, and "not one resident" remained on the islands. The desolation was rendered complete, not by English but by French hands, when in October, 1796, Admiral Richery, with the French fleet, after having destroyed several English settlements on the New-

foundland coast, spent three days at St. Pierre, and, before his departure, burned all the buildings remaining in the settlement.

The treatment of their prisoners by the British in Halifax, was not at all after the pattern set them by the French, at whose hands, as a rule, a sad experience awaited the captains and crews of Nova Scotia vessels, whom the fortune of war threw into prisons in France, or the French West Indies. A protest from the French prisoners at Halifax respecting their treatment, forwarded to M. la Forest, French consul at Philadelphia, and by that gentleman presented to Phineas Bond, Esq., the British minister at Philadelphia, called forth from Lieut. Gov. Wentworth, in a communication to Mr. Bond, dated at Halifax, Sept. 24, 1794, some interesting statements: "As to the prisoners brought here immediately on the capture of the islands, they were lodged in the barracks now occupied by my regiment, furnished with the same provisions and fuel as the garrison, which were uncommonly good. They had bedding and clothing given them, and such was the abundance of the former that they sold upwards of forty barrels of choice pork to one shopkeeper, and daily sold bread at their barrack gate to our inhabitants, who frequently resorted there to buy of the best quality. They were also permitted to go out of their barracks, and to work in the town and country as they pleased. And so much benefited were they by the sale of their surplus provisions and by their labor that every man, on embarkation for Guernsey, had money, from five to fifty dollars, which they carried with them, and were also well clothed. Not an article—not one shilling—was withheld on any pretence. Every family and person had means furnished to carry off all their baggage free of inspection, though a great part of it was by no means worth the freight. Those that are gone and those that are here are by far more eligibly circumstanced than our British inhabitants."

In reference to those who had been left for a year on the islands, awaiting the action of the British Government, Mr. Wentworth states: "The proclamation issued by Major Gen. Ogilvie and Captain Affleck to the prisoners at St. Pierre has been

fully complied with. Those that remained on the islands had the same provisions as the British officers and soldiers. Fuel being scarce, the proportion of both British and French was of necessity less liberal, but not distressful. No injury or molestation was offered to them. When the evacuation of the Islands was directed, I studied every means to effect the business, in itself painful to the inhabitants, who were peculiarly attached to those rocks, with as much convenience to them as the nature of the case admitted."

The fact that so large a number of persons were safely carried across the ocean at a period when the limited emigration from the old world to the new was attended by no small percentage of loss of life, speaks well for the care exercised in the selection of shipping, and for the quantity and quality of the stores provided for the passage. One voyage only is known to have ended at all unfortunately, and that for the captain and crew and owners of the vessel, and not for the prisoners. Particulars of this affair are given in the *Royal Gazette and Nova Scotia Advertiser* of February 17th, 1795, in a letter dated St. Malo, France, September 20th, 1794, from Captain Getshews, of Halifax, whose vessel, unnamed by him, was probably the brig *Union*, one of the vessels chartered by the Nova Scotia government for the transport of prisoners. Captain Getshews had sailed from St. Pierre on the 12th of August for Guernsey, evidently without a sufficiently strong guard. On the passage across, some French soldiers avowed an intention of taking the vessel out of his hands, but confident that he would find an English warship to act as convoy in the English Channel he paid little attention to their remarks. In the Channel, no friendly warship appeared, and the soldiers proceeded with their purpose. On September 5th, he was only four leagues from Guernsey. At midnight on the 6th, he hauled up for his port, which he should have reached by daybreak, but at that moment, the French soldiers and sailors among the prisoners demanded that he should take them into St. Malo. Argument was out of the question, and the prisoners took command of the ship. On Sunday, the 7th, the captain was within a mile of Guern-

sey, but the next day he was carried into St. Malo. His passengers endeavored to secure his freedom on parole, but without success: he was detained in prison, where his prisoner passengers sometimes visited him. Among eleven other British captains in the same awkward plight at St. Malo, he found Captain Joseph Bagley, of the ship *Lord Dorchester*, who had previously sailed from Halifax with French prisoners under his charge. The jailer and his wife were kind, but as to allowances, the captains had room for envy towards the French prisoners at Halifax. They had each one and a half pounds of flour, half a pound of meat daily, and thirteen pence sterling in cash paid every four days. "On this," wrote Captain Getshews, "we might very well subsist, but that things are so enormously high, bread not to be bought, butter two and sixpence a pound, sugar four shillings, soap fifteen shillings, and other things in proportion." Such allowances were for the captains only, the provision for the crews, it is to be feared, was far inferior. A somewhat similar scheme had been nipped in the bud during the preceding spring. In writing to England, March 25th, 1794, respecting the difficulty of procuring proper ships, Mr. Wentworth says: "I was in treaty for one brig to take one hundred of them (to Guernsey) but found the prisoners had resolved to rise and carry the vessel to the Chesapeake, and there enter themselves upon the French fleet. As it was impracticable to strengthen the vessel to resist these views without an enormous expense, I deferred shipping them off until some proper vessel could be had, for which I have all the provisions and necessaries provided in readiness to embark them on an hour's warning."

A somewhat difficult question was the disposal of those prisoners at St. Pierre and Miquelon whose less pronounced democratic tendencies secured for them permission to settle in Nova Scotia. Closely allied with these in sentiment were a large number of families. Mr. Wentworth estimates them at one hundred and fifty—who, previous to the outbreak of hostilities, had withdrawn from St. Pierre and the Magdalen Islands to Arichat and other parts of Cape Breton and of the Nova Scotia coast, and, though not heartily welcomed by the British authorities, had located

there and engaged in the provincial fisheries. Both those who had left the French islands before the actual commencement of war, and those who remained on them to become prisoners of a less dangerous character than those transported to Guernsey, were animated by the one hope that history would repeat itself, and that the rocky islands to which they were so deeply attached might again become a home for them under French control. Two plans therefore suggested themselves to the British authorities—the one to settle the prisoners to be brought from St. Pierre on sections of the Nova Scotia coast somewhat distant from Acadian settlement and yet favorable to their fishery business—the second to bring into Nova Scotia the emigrants to Cape Breton from St. Pierre and Miquelon, some of whom it was believed were endeavoring assiduously and too successfully to poison the minds of the Acadians of Cape Breton, who, previous to the arrival of these emigrants, had been quiet and well affected.

In putting the first plan into execution Mr. Wentworth looked toward the southern coast of the province. The wish of a certain section of the St. Pierre people remaining on the islands in the spring of 1794 to remain in Nova Scotia or Cape Breton had been cautiously communicated to him and he had consented as a favor to aid them. A part of them were brought to Halifax. On the arrival of the transports at St. Pierre, they had made a sufficient show of opposition to preserve them from the resentment of the more violent of their countrymen, and on their arrival at Halifax they "practised the same policy" till the prisoners for Guernsey had all sailed. Then, however, a part of the number—about 140 in all—having become assured that their favorite islands were to be entirely depopulated, and not permanently inhabited by French or English, repented of their choice, and were sent to Guernsey, though their passage and other expenses to Halifax had been paid by the government. Some others, who had come from St. Pierre in shallop, given them at St. Pierre, after the capture of the place, and had brought their personal effects with them, intending to remain in Nova Scotia, becoming dissatisfied, were afforded three weeks' provisions and allowed to proceed

with their vessels and property out of the king's dominions—that was, of course, to the United States, for not a few, though most kindly treated by the inhabitants, had deserted into the interior of the province to avoid being compelled to go to France.

Two or more vessels were chartered to sail with families direct from St. Pierre to the Southern coast, in the early summer of 1794—the armed snow, *Earl of Moira*, for Shelburne, and the brig *Princess Amelia*, for Liverpool. To Edward Brinley, Esq., Collector at Shelburne, Mr. Wentworth wrote in June 1794, concerning those intended for that place: "When they arrive I shall be obliged if you will put them into houses without delaying the vessels. The men are to be allowed seven pence sterling per diem, women half, and children one quarter of that sum, to be paid them in cash the first Saturday in each month, without any deduction. The house rent of thirty shillings per family per annum is also to be paid by government: with these allowances and their own labour they are to maintain themselves. Where there are single women and children, you will contrive to class them into families, with such consideration as will make their money of the best use to them, and render them most comfortable. If you take up money at Shelburne and draw on me at four days sight to prevent casualties it will be best; if not, I will forward you cash from hence. You will keep a regular muster roll of persons and payments and vouchers. It will be but best to muster them once a month before two magistrates, and let them declare having received their respective payments. I think they will be very useful people and good subjects. If they deviate, I shall send them out of the province. It will therefore be prudent to watch their conduct."

Some additional particulars relative to the settlement of these exiles are gathered from a letter written by Mr. Wentworth, a month earlier, to John Thomas, Esq., Collector at Liverpool, requesting him through conference with Simeon Perkins, Custos, and other magistrates, respecting the number of French families which might be settled at Liverpool, Port Mouton, and Port Medway. "You will locate the families," he wrote Mr. Thomas,

"on any ungranted or forfeitable lands in the afore-mentioned harbors, so as to accommodate their fishing in small open boats. Each family to have not less than five or more than ten acres of land, unless any should prefer to act as farmers: in that case a family of six persons to have one hundred acres. Each family to have the option of hiring a house (cottages were to be built by government), at thirty shillings sterling for one year, afterwards to provide for themselves or to build their own cottages on their own land, not less than 16 x 20 feet, for which I will allow five guineas to the father of the family consisting of six persons." Aid has also to be given in enabling the settlers to procure materials. Five fishing boats were also to be provided, with oars and all appliances, not to exceed in cost three pounds currency each. "I rely greatly," Mr. Wentworth added, "upon the friendly concurrence of the magistrates and benevolent inhabitants of your district toward rendering these measures useful to the province and to the poor people who are the immediate object of them. In the course of human events it has become necessary that they should be dispossessed of their country and habitations for our safety and benefit: let us therefore exercise Christian kindness towards alleviating their affliction and establishing them in the comfortable occupation of industry among us."

In the other scheme—the removal of the St. Pierre emigrants from Cape Breton—Lieut. Governor Macormick of that island was equally interested with Lieut. Governor Wentworth. A belief that the Acadians were being tampered with made them desirous of its early accomplishment. Instructed by the Secretary of State, Mr. Wentworth promised Mr. Macormick in January, 1794, to send an armed schooner in the spring, to bring away such as would voluntarily become good subjects and settle in Nova Scotia. Any declining to do this were to be sent immediately to Guernsey, to remain there until exchanged as prisoners. Having been informed of their position, the unfortunate emigrants pleaded to be allowed to remain as they were in Cape Breton until the autumn, and to their entreaties Mr. Wentworth, who throughout this trying business, leaned as far as possible in the direction

of mercy, gave a favorable response. He was the more ready to listen, since in consequence of the warning, they had been more discreet and had taken and subscribed the oath of allegiance to the King of Great Britain. Rendered timid, however, by the difficulties which in the past had arisen from the varied interpretation of a similar oath by the Acadians, he resolved that any permission to remain in the province or any assignment of location should be preceded on their part by a further oath involving not only fidelity to His Majesty's government, but "utter renunciation of all conventional democratic authority now exercised in France." "I propose it shall be done in my presence" he wrote, "with such circumstances of notarial solemnity as shall forever exclude them from any reunion or connection with the democracy, as well as thereby effectually to ascertain to them that they cannot escape the severest punishment of the law whenever merited by disobedience or deviation from rectitude."

In October, 1794, the time allowed for residence in Cape Breton having expired, John Ross, previously commissary at St. Pierre, was instructed by Lieut. Governor Wentworth, to proceed as an agent of the Provincial government, to Arichat in the shallop *Mary* and take measures to remove with all expedition, all the French folk who had recently arrived there from St. Pierre and Miquelon. The King of Great Britain had been graciously pleased, so they were to be informed, to grant them an asylum in Nova Scotia, within any of its harbors. For their immediate subsistence, flour and beef were sent, to be distributed to them on departure. Muskets and powder were to be also given them, and an allowance of cash made until further orders. Failure in compliance with the proffered arrangement was to be followed not only by the loss of the bounty, but by removal from the British dominions.

At the close of 1794, the Lieutenant-Governor reviewed the work of the year with a certain measure of satisfaction. In a letter to the Duke of Newcastle, dated Halifax, December 21st, he wrote: "The evacuation of St. Pierre and Miquelon and the removal of all the inhabitants that emigrated from these islands

to Cape Breton, St. John, etc., to the different coasts of Nova Scotia, and their support conformable to my former representation on that subject, is conducted with the strictest care and economy; and will be of very great and permanent advantage to the public good. These people are located in the different harbors where fisheries are carried on, in every part of which business they are more skilful and industrious than the British fishermen. They are also sober and industrious, quiet and orderly, and have taken such engagements that they dare not be unfaithful to his Majesty's government, which I am persuaded they gladly adhere to, as many of them were Acadian families formerly driven from and now rejoicing to be restored to this province under the protection of government, which they gratefully acknowledge. They will introduce a better mode of curing fish, which will enhance its value and credit in all foreign markets, and it may be further reasonably expected that the produce of their labours from the seas will in two years exceed the whole cost of the evacuation of these islands and settlement of these people in the province; the expense of which will after this quarter be exceedingly diminished, and in the course of next summer almost altogether cease, if not entirely."

- For some time, however, the presence of a number of the French from the captured islands perplexed the worthy governor. At Halifax and other parts of the Province, their aid as laborers was highly appreciated, and their quiet and steady conduct won for them the favorable regard of their English neighbors, by whose remuneration for their labor, in addition to their allowances, they were placed in a position of comparative comfort. In writing respecting some French Royalist emigrants, who were likely to arrive in Nova Scotia early in 1796, Sir John Wentworth—then recently raised to the dignity of a baronet of Great Britain—remarked: "If they can be made as useful as those that are with us from Miquelon, they will be a treasure to the country worth purchasing," And when it seemed probable that they would leave the country, Sir John wrote to the Duke of Portland, that "their removal from

hence will be much regretted, as they afforded great assistance and improvement to the fisheries, and are exceedingly useful in fitting out vessels for the merchants at the time when the laborers, particularly of this description, are not to be found."

They were, for a time, contented and had no wish to remove to France, and, in fact, some removed secretly into the interior of the province, and gentlemen whom the governor had admitted to parole had deserted to the United States to escape removal to France; but emissaries abroad had found means to communicate with them and captured French naval officers and others from the men-of-war *La Raison* and *Prévoyante*, brought in as prizes in May, 1795, had succeeded in poisoning their minds. Aware of the influences at work, Sir John in the autumn wrote to Captain Lyman, commissary of naval prisoners at Halifax, calling attention to the mischief being done, and adding: "From these unworthy people, in my opinion, there is much more to be reasonably apprehended. I therefore request that you will forthwith cause every Frenchman, of all and every sort and description under your care to be removed out of this town into a place of confinement and security, and that none of them are henceforth permitted to be at large on any pretence whatsoever within this province, which hath been too much suffered, contrary to my repeated directions." Soon after the beginning of the war, Mr. Wentworth had instructed Joseph Peters, Esq., postmaster at Halifax, to "send all letters addressed to Frenchmen and deliverable" in Halifax, to be forwarded to him for inspection.

The authorities were relieved from the presence of the French naval officers and seamen by the sailing of a cartel on the 10th of November, 1795. On the following day, Sir John wrote to the British minister at Philadelphia, Mr. Bond: "The officers of *La Raison* and *Prévoyante* behaved most unworthily, void of truth or common decorum, perverting the laxity and liberality exercised toward them, which did not confine, even scarcely limit their freedom, into means of insidious attempts to alienate the peaceable manners of others." The results of such attempt did not at once appear, and Sir John wrote on April 21st, 1796:

"It has, however, been necessary to offer an increased aid during the pressure (of a very cold winter) to the French emigrant prisoners from Miquelon to preserve them from suffering. Their industry, sobriety, and regular, decent deportment fully justifying their relief, which will not exceed the expense of naval prisoners here, with the difference that the public are much benefited by the labor and skill of these in our most essential branches, while it is necessary to keep the naval prisoners in confinement and a guard over them." Three months later, Sir John had become convinced that the emigrant prisoners must go. On July 23rd, 1796, he wrote the Duke of Portland that, "the French inhabitants from Miquelon, alarmed by continual denunciations, and fearing the cruellest punishments should they hereafter fall into the hands of their own countrymen, have requested to return to France in a cartel ship expected here in the course of next month to carry naval prisoners, which I have consented to, as their usefulness can no longer be relied on and their passage is to be provided by the French consul at Philadelphia." This cartel having been cast away on the Nova Scotia coast, another—the ship *Washington*—did not arrive until June 13th, 1797, when the French prisoners—among them, it is probable, the last of the Miquelon folk, left for France.

Against these exiles no act of injury was, so far as is known, recorded during their detention in Halifax or elsewhere in the province. Quite as much cannot be said of all their fellow-exiles who were allowed to go to the United States, as a French privateer, fitted out in New York, and manned by former inhabitants of St. Pierre, did considerable damage to Nova Scotia shipping in 1795.

It was fortunate that throughout this war between Great Britain and France, the loyalty of the Acadian French previously settled in Nova Scotia proved as satisfactory as it did. The quiet and permanent residence enjoyed by them, in marked contrast with the unrest experienced by those of the same race who had sought to make homes in the French islands, must have convinced them of the value of British rule. The evidences of

this conviction gave Lieutenant-Governor Wentworth great satisfaction. When in 1793, in the absence of a large part of the regular forces, and the danger of an attack by the French fleet, more than a thousand young men from the militia regiments of Hants, King's and Annapolis counties had marched into Halifax, in response to the governor's summons, and remained in garrison for four weeks, when they were dismissed by the same authority. Wentworth reported to Mr. Dundas their unexceptionable behaviour, and called special attention to a company from Granville which had marched the 135 miles between Granville and Halifax in thirty-five hours, and to another company, consisting of 75 young Acadians, who had come near two hundred miles, "zealous and gratified to unite with the English colonists." Nearly three years later, Sir John, when forwarding a memorial to England asking for the appointment of a priest\* among the Acadians, had seen no reason to think unfavorably of them. "Some worthy French refugee clergymen," he wrote on May 21st, 1796, might be "of great service in establishing the loyal and virtuous habits that prevail among that people. They now," he added, "consider themselves wholly British subjects, as you'll see by their memorial, instead of neutrals ready to embrace any change of government, which was their former disposition. It is no small comfort to me that the change has taken place during my administration, and that they are now among the most faithful and happy subjects of his majesty."

And yet, and yet, after having again and again captured these islands, and twice, at immense cost, transported all the inhabitants across the waters, England, under previous conditions, handed these islands back to France. She did this at the peace of Amiens in 1802; then, on the resumption of war in the following year took possession of them again; and on the termination of the long war by the treaty of Paris in 1814, restored them to

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\*It was in response to this appeal that the Abbé Sigogne, a French priest 36 years old and previously a teacher of languages near London, came to Nova Scotia, landing at Halifax in June, 1799. A few days later, after he took the oath of allegiance, he arrived at Eel Brook in a fishing boat to commence a long and useful service among the Acadians of western Nova Scotia.

France. In June, 1816, the surviving French colonists returned to their former home, one hundred and fifty old families, numbering 645 persons, having been conveyed thither in two French frigates, to re-populate St. Pierre. To these history repeated itself indeed, as they, years before had hoped, though the fulfilment was long on the way. Among them, it cannot be doubted, were numerous descendants of Acadians, who in 1755, had been exiled from Nova Scotia, or, somewhat later, from Cape Breton. In the same year, 1816, 4600 fishermen sailed from St. Malo to engage in the Bank fisheries, having St. Pierre as their season's headquarters. These fisheries and those on the French shore, so-called, France has continued to sustain by enormous bounties. A vacillating policy is ever a costly policy. I have heard it said in Bermuda that the expenditure in that colony, on military roads commenced and abandoned by successive military officers would have paved a road from end to end of the colony with British gold. The world well knows by this time that the only possible justification for any pro-Boer sentiment in reference to the South African war must be based upon the contradictory policy of British statesmen previous to, as well as subsequent to, the Majuba Hill massacre. A similar policy on the part of British statesmen in reference to the French shore question and the possession of the French islands may possibly involve peril to the peace of Europe if not to the world.

I have bracketed these two subjects—the rights of the French to the use of a certain section of the Newfoundland coast, for it cannot be denied that they have by treaty certain concurrent rights—and the possession of St. Pierre by the French, not because they are inclusive—they are thoroughly distinct—but because our long suffering and patient Newfoundland friends have asked British intervention in both directions. The question of French shore rights in Newfoundland is an open one: St. Pierre is to all intents and purposes a French colony, and as such can only come under British control by capture, exchange or purchase. As to the first method, we say reverently: "God forbid!" As to the second, when we put on what an old lady called her "far specs,"

we can see no available British territory, which, with a due recognition of local rights, can be used for the purpose of barter. The very thought of purchase tempts to an involuntary whistle. From several points of view, the St. Pierre group may be, as has been claimed, of less value to France than they once were, but they nevertheless possess a fictitious value, which sometimes counts heavily in national as well as in private business affairs, where necessity is not an absolute dictator. I have before my mental vision, at this moment, a mere scrap of land in the old Loyalist town of Shelburne, owned by an old gentleman resident at the time of his death in Halifax. It was of no earthly value to the owner. As I remember it, it supported a manure heap—but love or money could not induce the owner to transfer that tiny bit of land to the trustees of a church property, to the completeness of which it seemed indispensable. The sole reason was that it was the only relic of the property once possessed by the owner's father, or grandfather, one of the original Loyalist settlers of the place. Though corporations are said to have no soul; it is just possible that sentiment may rule in the councils of France, and lead her rulers to attach a fictitious value to this last relic of her once magnificent domain in North America.

And to part with it to her rival whose colonial policy, with all its weaknesses, wrested Canada from France, and by its defect of the plans of Dupleix in the East crushed the growing power of France, and in Asia, gave Edward VII. the right the other day to be proclaimed Emperor of India!

It was largely in a spirit of friendliness that Britain in 1814 gave France St. Pierre as a head-quarters for her banks fisheries. It was at a period of success, and the conqueror was disposed to be generous. If permitted to buy it back, she will pay dearly for this act of a moment of weakness.

**IN MEMORIAM.****THE REV. GEORGE WILLIAM HILL, M.<sup>FA.</sup>D. C. L.****RECTOR OF THE PARISH OF ST. PAUL'S, HALIFAX.**

One of the founders of The Nova Scotia Historical Society.  
And President of the Institution in 1880, 1881, 1883, 1884 and  
1885.

During a long connection with the Society of which he was a most enthusiastic and distinguished member, he contributed many brilliant and important papers, illustrating the history of Nova Scotia from its earliest days, which will long remain pleasing monuments of his genius and devoted research in a department of letters, in which he greatly shone, Dr. Hill was one of Nova Scotia's most distinguished sons, and during his career, by a devotion to duty as a patriot and a scholar, from the pulpit, the platform and the press, ever advocated the best interests of his native city and province, and thereby won the admiration and respect of his fellow citizens and countrymen.

In deplored the great loss sustained by our Society and Province by the death of Dr. Hill, we place on record our estimation and high esteem for an accomplished scholar and christian gentleman whose pure life and bright example, will long survive bright in the memory of Nova Scotians.

Born 1824.

Died 1906.

**WILLIAM HENRY HILL.**

A valued and talented member of the Nova Scotia Historical Society was for many years an impressive figure in the social life of Halifax; a cultured gentleman of the old school, and one who greatly aided in establishing and furthering the interests of the Society, was born in Halifax, in 1836 and died greatly lamented at Southsea, England, November 7th, 1909.

## DEMONT'S TERCENTENARY AT ANNAPOLIS, 1604-1904.

By MR. JUSTICE LONGLEY.

The landing of DeMonts and the founding of the town of Port Royal, on the Annapolis Basin, was the first landing of Europeans, for the purpose of settlement, in British North America, and almost the first on the continent of North America.

This constitutes an event of great historic interest, since at this present moment the continent of North America has become a great factor in the civilized world and nearly a hundred millions of people of European origin are making strides in progress unequalled by any other part of the world.

The idea of celebrating the three hundredth anniversary of the landing and settlement by DeMonts was first suggested by the people of Annapolis Royal. Recognizing that the undertaking was a large one, the citizens of Annapolis by resolution of the Town Council and the Board of Trade, requested the Nova Scotia Historical Society to take in hand all necessary measures for the due and proper celebration of this important event.

By a resolution passed on the 12th day of January, 1904, the Nova Scotia Historical Society undertook to make preparations for a fitting celebration of this tercentenary and the Council was authorized to take all proper steps towards that end.

A mere local celebration could easily have been arranged but the circumstances seemed of such moment as to justify an international celebration which would involve a demonstration of a somewhat imposing character.

DeMonts himself was a Frenchman and came to found Port Royal under a commission from a French king. After being a French possession for something like 150 years, Port Royal was

finally captured and taken possession of by British colonists from New England, and, after the War of Independence, which terminated in 1783, Acadia, in which Port Royal was situated, became a part of British North America. Therefore, France, the United States and Great Britain had a common interest in the celebration.

Invitations were therefore sent to the Government of France, and the Government of the United States, through the proper channels, asking each of these two Governments to send a special representative of the Presidents of the two Republics, to assist in the celebration of the occasion.

Invitations were also sent to the Governor-General of Canada, to the Lieutenant-Governors of all the provinces, to the Prime Minister of Canada, to the Premiers of all the provinces of Canada, to all the recognized Historical Societies in Canada and to the Historical Societies of the Northern part of the United States, to the Universities of Canada and Universities of the Northern States. In addition to these, special invitations were sent to a number of gentlemen in Canada, who, by their distinguished positions in literature or history, made such a tribute fitting. Invitations were sent to the Cabinet Ministers and all the members of the Senate and House of Commons of Canada for Nova Scotia; all the members of the Government, Legislative Council and House of Assembly of the Province of Nova Scotia were also invited to attend.

The invitations to the Government of France and the United States were in the following terms:—

NOVA SCOTIA HISTORICAL SOCIETY,  
HALIFAX, N. S., OCT. 16TH, 1903.

SIR:—In the summer of 1604, Seigneur DeMonts entered the Annapolis Basin, Nova Scotia, and landed at Port Royal. This, with the exception of the Spanish landing at St. Augustine, was the first landing of Europeans on the soil of North America resulting in a permanent settlement.

The Nova Scotia Historical Society proposes that an event of such historical moment should have its tercentenary fittingly celebrated and in this the town of Annapolis, formerly Port Royal, has cordially joined and is preparing to entertain the large number of distinguished men it is expected will assemble to take part in this important celebration.

Four countries seem to be specially interested in this celebration. This landing and first settlement in British North America was made by a Frenchman and under the auspices of the Government of France and the Colony so founded remained in the possession of France for a long period. Port Royal was ultimately taken from the French by the inhabitants of Boston, then a British Colony, and for this reason the United States is likewise interested in the celebration of this event. Port Royal, now Annapolis, is now the possession of the Government of Great Britain and for this reason that country is also interested. Port Royal and Nova Scotia are now part of the Dominion of Canada, which makes the celebration one of special interest to Canadians.

We are proposing to ask that a special representative of each of these nations should be appointed to attend the celebration and take part in its proceedings. The Governor-General of Canada will himself attend and take a leading part in the exercises. An invitation has been extended to His Majesty the King of Great Britain to attend or send a Special Representative, and a similar request is now being preferred to the President of the United States.

I am taking the liberty of preferring this request to the President and Government of France, through you. I need not say that the Nova Scotia Historical Society would be more than delighted if it were possible for His Excellency, the President, to attend this celebration in person. If, however, circumstances will render this impossible we are hoping that His Excellency the President and Government will be pleased to appoint some fitting person to represent the French Republic on the occasion. If you will be good enough to intimate to me hereafter the pleasure of the President in this regard I shall be extremely obliged, and in the event of some Special Representative being appointed, I should be

equally obliged if you would intimate his name and address in order that I might communicate with him the date which has been finally fixed for the celebration and also arrange the part which he will be pleased to take in the ceremonies connected with the celebration.

I have the honor to be, sir, Yours,

J. W. LONGLEY,

*President Nova Scotia Historical Society.*

THE HONORABLE M. DELCASSE,

*Secretary of State for Foreign Affairs.*

The invitations addressed to the Historical Societies and Universities were as follows:—

NOVA SCOTIA HISTORICAL SOCIETY,

HALIFAX, AUGUST 19TH, 1903.

DEAR SIR:—It is an important historical fact that on or about the 24th of June, 1604, Seigneur DeMonts entered the Annapolis Basin and landed at Port Royal. This, with the exception of the Spanish landing at St. Augustine, was the first landing of Europeans on the soil of North America resulting in a permanent settlement.

It has occurred to the Nova Scotia Historical Society that an event of such historical moment should have its tercentenary fittingly celebrated, and in this, the Town of Annapolis, formerly Port Royal, has cordially joined, and is prepared to make due provision for the entertainment of the large number of distinguished men it is expected will assemble to take part in this important celebration.

It is an event of common interest to the people of Canada, the United States, Great Britain and France, and it is proposed to have representatives of these nations present upon the occasion.

The date to be fixed will probably be the 23rd and 24th days of June, 1904, and a suitable programme of orations and memorial

addresses will be prepared, and a large number of important persons from all the countries interested will take part in these memorial exercises.

Annapolis Royal is an extremely interesting old town situated in the heart of the Annapolis Valley, and full of historical relics. It is easy of access from all directions. Visitors from the United States can reach it by the daily boats from Boston to Yarmouth, continuing their journey by rail on the Dominion Atlantic Railway; or by rail to St. John and steamer to Digby, and thence by rail to Annapolis. Visitors from the Upper Provinces of Canada would go either to St. John and take the steamer to Annapolis, or to Halifax and thence by rail on the Dominion Atlantic Railway. Suitable arrangements will be made by the Town Council for the entertainment of invited guests.

The Nova Scotia Historical Society and the Town of Annapolis extend to your Society a most cordial invitation to send a representative or representatives to attend such tercentenary celebration, and we would be obliged, as soon as action is taken, if you will communicate to the Corresponding Secretary the name or names of the representatives chosen in order that we may form some idea of the numbers for whom provision should be made. It is, perhaps, better to mention that it is impossible for the Nova Scotia Historical Society to assume the travelling expenses of the representatives so appointed, but, while in Annapolis, as before stated, they will be the guests of the Town.

As this event is to celebrate the first settlement of Europeans in Canada, and one of the earliest settlements on the Continent, and as a great wealth of interest lies in the struggles for English and French supremacy at Port Royal, we are quite sure that you will unite with us in making the celebration a memorable one, and that the interest will not be confined to Canadian Historical Societies, but will be joined in with cordiality by the Historical Societies of the United States.

On behalf of the Nova Scotia Historical Society,

J. W. LONGLEY, *President.*

F. BLAKE CROFTON, *Corresponding Secretary.*

It is proper to remark here that the town of Annapolis Royal undertook in advance to entertain the distinguished men invited to participate in this celebration, which arrangement was carried out fully and admirably.

The Government of France, without raising any technical difficulty, at once announced through the Consul-General for France in Canada, that they had appointed M. Kleczkowski as the special representative of the President of France on the occasion.

In response to the invitation sent to the Secretary of State for the United States, a communication was received through the Consul-General for the United States in Canada, which intimated that before any official action could be taken by the Government of that country, the invitation would have to go through the Canadian Government. This was eventually arranged and an Order-in-Council was passed by the Federal Government and communicated by the Governor-General to the British Minister at Washington, who presented it to the Secretary of State, and after the receipt of this the Government of the United States appointed Captain Dillingham of the United States ship "Detroit" to represent that Government on the occasion.

The Premier of Canada and the Cabinet Ministers were unable to attend owing to the fact that Parliament was in session at that time. Replies were received from the Lieutenant-Governors and Provincial Premiers to whom invitations were addressed, most of them intimating an inability to attend. Replies were also received from many of the Historical Societies and Universities, and a number of distinguished representatives of Canadian and American Historical Societies attended on that occasion. Among others may be mentioned the following:—Charles Francis Adams and Arthur Lord, representing the Massachusetts Historical Society; Professor Thwaits of the Wisconsin Historical Society, Samuel V. Hoffman of New York Historical Society, Mr. N. Hovenden, representing Royal Historical Society, London, G. B.; Messrs. Doering and Robertson of Maine Historical Society; Rev. Mr. Gaynor of St. John Historical Society; Hon. A. Turgeon and Hon. Charles Langelier representing the Government and Historical

Societies of Quebec; Admiral Sir Archibald Douglas, General Sir Charles Parsons, His Grace the Archbishop of Halifax, Dr. Forrest of Dalhousie, Dr. Hannah of Kings, Dr. Kierstead of Acadia, Mr. John A. Cooper of Toronto representing Canadian Press Association.

The time appointed for holding the celebration was the 21st and 22nd of June, 1904, that day corresponding, as nearly as could be estimated from the journal of Champlain, with the date upon which the Annapolis Basin was first discovered and entered by DeMonts' expedition in 1604.

To add to the *éclat* of the occasion the Governments of France and United States were asked to send warships and the Admiral commanding the British American Squadron, SirArchibald Douglas, was asked to send a warship representing the British Navy.

All these responded to the invitation. Great Britain was represented by the flagship "Ariadne," France by the "Troude" and the United States by the "Detroit" and "Topeka." The Minister of Marine and Fisheries was also good enough to send two Canadian cruisers to represent the Dominion Government.

The Admiral and the General commanding the Forces in British North America were also invited to attend, and to give further *éclat* a guard of honor from the 69th Regiment was furnished by the Minister of Militia, and also the band of that regiment. Permission was also obtained for the landing of French and American marines under arms, and a guard of honor, was furnished from H. M. S. "Ariadne," the French ship "Troude" and from the United States ships "Detroit" and "Topeka." The bands of the "Ariadne," "Troude" and "Topeka" were also placed at the disposal of the authorities on the celebration, and a guard of honor composed of these five separate services, together with four bands, constituted on the opening day a spectacle perhaps unequalled by any event on similar lines which has heretofore occurred in Canada.

The citizens of Annapolis, with commendable public spirit, had made the old fort at Annapolis, which fortunately remains in a

condition of excellent preservation, gay with bunting and decorations, including the flying of flags of the three great nationalities specially represented.

A large platform had been erected on the grounds, it being determined that the event should be celebrated within the fort itself.

The weather on both days was perfection itself, and nothing occurred to mar the pleasure of this memorable occasion.

On Tuesday, June 21st, the President of the Historical Society escorted the Lieutenant-Governor, accompanied by the Admiral and the General and the representatives of the President of France and the President of the United States, in carriages to the gates of the fort. On entering, the party was received by a guard of honor composed, as before intimated, of men of the 69th regiment, the "Ariadne," the "Troude," the "Detroit" and the "Topeka," all being under command of Colonel Irving, D. O. C., and "God Save The King" was played by four bands representing British, French and American nationalities.

The programme for the forenoon of that day was as follows:—

#### PROGRAMME.

TUESDAY, JUNE 21ST, 1904, 11 A. M.

In the Old Fort at Annapolis.

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1. Opening Address—HON. J. W. LONGLEY, President Nova Scotia Historical Society.
  2. Address to LIEUT.-GOVERNOR JONES, by the MAYOR of Annapolis Royal.
  3. Remarks and Welcome by LIEUT.-GOVERNOR JONES.
  4. Address by MR. KLECKOWSKI, Representative of the French Republic.
  5. Address by CAPT. DILLINGHAM, Representative of United States.
  6. Poem—MR. J. F. HERBIN.
  7. Address—SIR FREDK. BORDEN, Representing Dominion Government.
  8. Address—HON. A. TURGEON, Representing Quebec Government.
  9. Address—HIS GRACE THE ARCHBISHOP.

In his opening speech the President of the Historical Society said,

*May it please your Honor:*—It gives me great satisfaction as the president of the Nova Scotia Historical Society, on behalf of that body, to extend to the distinguished gentlemen who have assembled here to-day to take part in this great celebration, a warm and cordial welcome. That so many from distant portions of the continent have responded to the call has been a matter of the greatest pleasure and that the governments of the two greatest republics of the world, France and the United States, have sent special representatives, gives a tone and character to the event which would otherwise be wanting. In addition to the honor of presiding over the Nova Scotia Historical Society, it happens incidentally that I was born in this section and that for twenty-two years I have represented the county of Annapolis, of which Annapolis Royal is the capital, in the legislature.

All of us, I think, today, may feel that we stand upon historic ground, and recognize the propriety of duly celebrating such a great historic event. The continent of North America was not a factor in the world's affairs three centuries ago. It has now grown so greatly in population, in importance, in civilization and in political power that it becomes a matter of no common interest to trace back the beginning of its life and history. The first landing of Europeans, for the purpose of settlement, was a year earlier and farther south; the second—and the first in the Dominion of Canada—was at Port Royal in June, 1604, and it is to mark the tercentenary of that event that we are gathered together today.

The honor of the expedition headed by DeMonts, which founded Port Royal, belongs to France. It was sent out under the authority of a French king, it was commanded by a Frenchman and was composed of French colonists; and the record of French government in Acadia, lasting for a considerable period and with many changes and vicissitudes, forms an extremely interesting chapter in the history of British North America. Port Royal was ultimately taken by the British colonists of New England, and in 1713 became permanently a part of the British Empire.

More than half a century after this the thirteen states declared their independence and achieved it, but a large part of North America remained British and this has been consolidated under one government and called the Dominion of Canada. Acadia, including Port Royal, remained British, but its close relationship with Massachusetts in the earlier days and the fact that it became British through the influence and agency of the men of Massachusetts, makes it fitting that a special representative of that great country should be here today to join with us in this celebration. Great Britain, France and the United States have all their historic interest in Port Royal, now Annapolis Royal. They are all represented on this occasion and the flags of the three great countries float side by side in the breeze to-day.

It fortunately happens that Great Britain's relations with both France and the United States are friendly and cordial. In this great Dominion, nearly one-third of the entire population is of French origin and speaks the French language. Thank God, perfect harmony and good will prevail between the two races and both are equally concerned in all that tends to the progress and development of Canada. The same may be stated in reference to the United States, although lying beside us and in keen competition in industrial life, and notwithstanding that incidents of the past have left occasions for former ill-will, yet it is pleasant to think that time, the only miracle worker of these days, is gradually obliterating all those unpleasant memories and that good will and the feeling which ought to prevail between two great English speaking peoples lying side by side on this continent is each day growing until we may now fairly say that all causes of bitterness have ceased to be. We can, therefore, today, British, French and American, gather together to celebrate the first landing for the purpose of settlement in the Dominion of Canada.

Great changes have taken place since DeMonts landed at Port Royal in June, 1604. At that moment what is now the United States was in possession of the Indians and had no trace of European civilization. It was not until three years afterwards that a settlement of Frenchmen was made on the St. Lawrence river. Three

hundred years have seen the development of one of the world's greatest nations, with over eighty millions of people, and it has also seen the birth of the Canadian Dominion, which is pushing rapidly forward to a conspicuous place among the nations of the world. North America now takes its place among the most enlightened countries of the world. It has its railroads, its electrical appliances, its schools, its universities, its press, its achievements in art, science, literature and invention, and few of those who first saw the light on its soil are not ready to thank God that they were born in North America.

In response to our invitation, the representatives of the great historical societies of Canada and the northern part of the United States have responded and sent their distinguished representatives. The universities have also responded to our call and are well represented on this occasion. The governments of Great Britain, France and the United States have sent their ships of war to this port to lend prestige to the occasion. Cabinet ministers and representatives of the various provincial governments of Canada have also responded to our invitations and are participating with us in celebrating an event of universal interest to North America.

To one and all we extend a cordial welcome, and we shall hope that the incidents of the two days spent in celebrating this tercentenary may have their lasting effect in cementing the already friendly and intimate relations which prevail between the three great nations who participate in celebrating this event.

The Lieutenant-Governor extended a welcome to the distinguished visitors in the following terms.

Mr. Chairman, Ladies and Gentlemen,—The event we are about celebrating forms an important epoch in the history of our province. Three hundred years ago today Sieur DeMonts, with his brave companions, made the first entrance from the Bay of Fundy through the straits to the beautiful basin of Annapolis. We can imagine with what astonishment those intrepid voyageurs must have beheld the beautiful sheet of water which they reached so soon after passing through the strait. And we can also imagine

the beautiful scenery which must have surrounded them, with the primeval forests bordering down to the very edge of the sea. These men, like others of a later date, were men of undoubted capacity and enterprize. Imagine today what would be thought of anyone undertaking to visit the old world in the frail barques and the uncertain guides to navigation they had at that time. One thinks with astonishment, I might almost say amazement, at the courage and capacity of these men, who, without any information upon which they could rely, left their native shores and launched their frail barques for a long and perilous voyage to reach a new world.

The history of discoveries in America has been important and interesting. The name of that great voyageur, Christopher Columbus, is of course, inseparably connected with those great events, and only a few years ago the Royal Society of Canada celebrated the arrival of Cabot by erecting a tablet in the legislative halls of this province. Today, as I have said, we are about to lay the corner-stone of the monument, which has been generously provided by the Dominion government, in honor of Sieur DeMonts, who, three hundred years ago, landed near where we are congregated today. The names and services of these illustrious men have been recognized through all parts of the world, and we may also be allowed to add the names of other eminent men, who, like Cortes in Mexico, Pizarro in Peru, and DeMonts now in Nova Scotia will be held in admiration and respect by all future generations.

It is true that the fleur-de-lis of the ancient regime of that date is no longer displayed to the breeze, but the no less interesting flag of the red, white and blue of the French republic may be frequently seen in the waters of the Dominion, and receive from our people the respect and admiration due to a great and honored nation, who, we have reason to believe, will always remain the true ally to our people.

We have today also the flag representing the great republic by our side, the people, who at the time of DeMonts and for near a couple of centuries afterwards were our fellow subjects and brethren in all the important contests which took place on this continent.

I am gratified to be in a position today to say to these distinguished representatives of France and the United States, who have honored us with their presence on this occasion, that we extend to them a most hearty and cordial welcome, and we sincerely trust that they may carry away with them pleasant recollections of their visit on this occasion. We are privileged also to have our own naval and military commanders-in-chief, who are assigned the duty of guarding the interests of our empire in this distant part of the world. And when we see the various flags thus represented, the emblems of peace and advancement in all that tends to make the world great and happy, we cannot but feel that there is in the future a prospect of mutual understanding and good will contributing to make our people look to each other as brethren and not as strangers, and working for the advancement and prosperity of mankind. As has been said by a distinguished American statesman, "Providence has made us neighbors, let statesmen make us friends."

Responses were made by Mons. Kleckowski, on behalf of France, and Captain Dillingham of the United States. Mr. Kleckowski said;

It is a beautiful, it is a generous sentiment which has given birth to this celebration. It is inspired by the purest idealism; it finds its motive power in a deep respect for the past. After three centuries, what do we come here to commemorate? What event is illustrious enough to deserve so magnificent a celebration? It seems a small thing, yet it is everything; it is only a moment, but a moment sacred in the history of this part of the world; it is nothing less than that solemn and affecting hour when for the first time, men born on the continent of old Europe, attempted to found a permanent settlement in the northern regions of young America.

Thrice before their time had a daring captain put in an appearance as advanced guard. Sixty years have passed. Of Cartier's voyages only the memory remains, but so vivid, so luminous a memory that it ever throws light on the road, as a beacon projects its flame, although no ship be sighted on the horizon.

Whence do they come once more, those messengers of civilization, lovers of proud enterprize? From France. What grand idea, what enchanting vision elates their hearts and swells their white sails? Ah! it is a dream, a beautiful dream! True to the spirit of their time, it is their will to serve the king, to extend his dominion and that of their religion, to help trade, and to colonize. Their names, who does not know them? DeMonts, Poutrincourt, Pontgravé, Champdore, Champlain, the same Champlain who tomorrow will found Quebec, the sweet queen of the St. Lawrence; Pierre "du Gua, Sieur DeMonts, a gentlemen from Saintonges," is the chief. His heart is "prone to high deeds." King Henry IV. has made him his lieutenant-general with powers, the limit of which are so extensive that they cover all the lands of "la Cadie, Canada and other places in New France." DeMonts receives in addition the monopoly of the fur trade. The royal exchequer does not open for other subsidies. That is all, and that is enough. Port Royal is founded.

Beginnings are uncertain, rather slow is the progress. Nevertheless the work continues. Carried on perseveringly in the midst of difficulties and battles, throughout more than a century, in spite of all, it is going to its completion, when a last stroke of adversity destroys Port Royal. Even the name Port Royal is lost. And afterwards? Oh! afterwards, the little colony of Acadia is taught a lesson of sorrow. It experiences bad, gloomy days. One day, one sad day dawns, darker than all others. The song of the poet and the sympathetic recital of history have immortalized its desparingly sad features. Let us pass! Hour of justice will come. Eloquent voices prophesy and demand it. At last it strikes, and, this time, forever. The sun which shines on this happy land pours its radiant light on races equally free and at last reconciled.

Such are the reminiscences which awake the thoughts which spring forth as from their natural source at this admirable celebration! It is of itself a resurrection. To our bewildered eyes, in the flash of the passing minutes, "Bay of Fundy," as before, becomes again "Baie Francaise." French colors are flying once more. Under the fluid and soft name of Annapolis, as under transparent

gauze, reappears, never to be obliterated, the old name Port Royal. With it return to life the gallant men of the early days, those I named and those who followed. They hear, they understand. The language I speak is the language they spoke. Something of their soul has passed into our souls. Something of their life, something of their death, is mingled with these sweetly green meadows, the smile of which tells so well the vanity of pitiless wars, and the consoling charm of passive nature, ever young and merciful. How could one not be deeply moved? Such sights are made to move; they thrill, they fortify. To the Historical Society of Nova Scotia, and especially to its zealous president, belongs the merit and thoughtfulness of seizing this unique opportunity. The idea was noble, it was beautiful, it realized itself in the splendor of a beautiful day.

The president of the French republic, whom I have the great honor to represent here, will know in what manner, at this solemn hour, old French memories, somewhat asleep in the mist and distance of time, took a new life at your call; and how, in their renewed freshness by you they were extolled and glorified. On more than one shore has France thrown by the handful the good seed of effort in which, so spontaneously, she gives her heart and her genius. Many a time has the initiatory idea came from her; she sows but does not always reap. I state the fact, not as one who complains. In the balance of things eternal, beautiful will ever be

“Le geste auguste du sémeur.”

Captain Dillingham said:

The embarrassment which I am now feeling I suppose, should be due to the presence of so much eloquence and distinction as are near me; but this is not the case. My embarrassment at present is due to fear that I may not be able to do justice to the occasion. I have just come 1,600 miles at top speed to be with you today, I was very happy on getting on your coast to find no fog to stop me, as that alone could have made me slow down, so great was my anxiety to be with you today. It is a great pleasure for a sailor to come to this country, as with all your grand products you do not produce anything better than your sailors. There is an affinity be-

tween sailors. It makes no difference whether you go to sea to back a policy or to catch fish, you are sailors all the same. Whenever we come to a British colony we always see evidence of good government, and there is nothing so beautiful as the patriotic loyalty to the crown, exhibited by all British colonies. As we look back upon history there seems to be a spirit that flows irresistibly, and I have no doubt the same spirit exists today as existed in 1604. It made DeMonts "go west." This advice was given in my country by Horace Greeley. Today you celebrate an event which, as the chairman has said, France is responsible for, and in my country today we are celebrating an occasion for which France is also responsible. It is that irresistible spirit of DeMonts which sent him west, and we got to the Rockies without firing a shot in anger. It has been my honor and pleasure to have served with the great British navy from which we have learned so much, and where we see the great exhibition of sea-power so necessary to maintain an empire. From them, we have learned the climax of our profession, which is to hit the target. I came without a prepared speech, but my heart is full, and I bring from the people and president of the United States cordial sympathy and greeting for the celebration of an occasion when your forefathers, like mine laid the foundation in the western hemisphere of the greatest civilization in the world. The honor to be here is great.

In the inevitable absence of Sir Wilfrid Laurier, the Honourable A. Tourgeon, a distinguished member of the Government of Quebec, spoke in the name of the French population of Canada.

The proceedings for the occasion concluded with the following excellent address from His Grace, the Archbishop of Halifax.

Ladies and Gentlemen:—Events, not years, are the true measure of a nation's historic renown. The more pregnant an achievement has been of beneficial results to mankind, the more worthy it is of commemoration, even though the manner of its accomplishment may not have been accompanied by any of those specular deeds of prowess which appeal so powerfully to the imagination. Greatness of soul may be as fully displayed in daring unknown

dangers as in facing real ones, and in enduring unexpected hardships as in attacking the entrenched positions of an enemy. Moral courage is surely no less admirable than physical. These principles would justify, were justification required, the celebration of today. Three hundred years is a short period in the history of the world, we fully admit, but the event we commemorate, the planting of civilization on these shores, three hundred years ago—and the subsequent ones—are of such importance to mankind, will have such far-reaching effects, and have been accompanied by such a display of noble qualities as to fill up many cycles of time. With the exception of Mexico, practically the whole of North America, as we see it today, is the result of the settlement of Port Royal. Because of it, expeditions were sent, not only around the coasts of the Bay of Fundy, but also into the Gulf of St. Lawrence, and up the great river of that name, resulting in the founding of trading and fishing stations, which later on became centres of civilization. The adventurous spirit of DeMonts, Champlain and Poutrincourt soon enkindled a kindred flame in the hearts of Englishmen, who emulated, at Jamestown, the deeds of the founders of Acadia. The story of the fertility and marked resources of Acadia as told by Lescarbot, and in the letters of Biencourt, son of the Sieur Poutrincourt, was, no doubt, known to the leaders of the Mayflower expedition, and gave them courage to undertake what was no longer an unknown voyage, but a beaten course to a hospitable shore.

Looking, then, at this northern continent, and its wonderful development, and considering that the initial impulse to its civilization was given by the founding of Port Royal, we can surely claim that this latter event was one of transcending importance to mankind. Peering into the future we can, without claiming a spirit of prophecy, confidently predict in the case of our own beloved Canada that its effects will also be far-reaching. The future of the world is ours. In this vast Dominion which is the great storehouse of the treasures of nature, future millions will reap bounteous harvests from our plains, will delve wealth from our mines, hew fortunes from our forests, and drag riches from the waters surrounding our shores. Here the great problems of civil

government, of economic systems, of economic questionings, which have exercised and fretted the ingenuity of man, will be worked out to a satisfactory solution. Canada shall cease to be beneficial to the human race only when that race shall have ceased to exist.

Finally greatness of soul, resourcefulness in difficulties, adaptability to surrounding conditions, and patient courage illumine the romantic story of the founding and development of Acadia. Whatever blots there may be on the bright pages which record the deeds of the past three hundred years are due to the ever-present weakness of human nature, their brightness and glory bear testimony to the chivalry of the great races which strove and toiled in this fair land. Good reason, then, have we, Gaul, or Saxon, or Celt, to rejoice today.

The promoters of this celebration are to be congratulated on the happy thought that suggested, and the energy that has made a success of this demonstration, gathering as to a family festival, representatives of various races and interests, who can all participate in the common joy.

For myself, I rejoice to be allowed to take part in the proceedings of today in, I may say, a triple capacity,—as one of the representatives of the Royal Society of Canada appointed to convey to the committee in charge the deep interest of the Royal Society in this celebration; as a citizen of this fair land, who is proud of its past and hopeful of its future; and finally, as a minister of that gospel of peace and good will, which in all of this continent north of Florida was first preached on the banks of the beautiful basin of Annapolis. For here, first of all in that vast district, a Christian altar was set up, the gospel message preached to the savage, and the first heathen gathered into the fold. Several years before the Mayflower had been moored to Plymouth Rock—before Jamestown or even Quebec had been founded, the rites of Christianity had been practised, and its doctrines promulgated, in the rude camp of Port Royal. This is a glory which has been too long obscured, or forgotten, or denied, but which is vindicated and brought to the knowledge of all by this tercentenary celebration. May the

children of Nova Scotia ever remember that as their province was the first discovered, the first colonized, the first to receive the gospel of holiness, so they should strive to be first in virtue, first in intelligence, first in an enlightened love of country.

In the afternoon an excursion was given on the steamer Granville to a point opposite Goat Island, which represents the spot where DeMonts first landed and founded Port Royal. It is six miles below the site of Fort Ann, which, thirty or forty years after, became the site of Port Royal, now the town of Annapolis Royal. Nearly all the distinguished visitors, the Mayor and Corporation of the town, the members of the Nova Scotia Historical Society and a number of other citizens attended this excursion. Arriving opposite the spot where the original Port Royal had been built, which was marked by a flagstaff, Judge Savary pointed out in a clear and interesting manner the location of the several buildings which marked the first fort and settlement, after which interesting addresses were delivered according to the programme below:—

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#### TUESDAY AFTERNOON.

1. Trip by Steamer to Goat Island, Granville, where first fort was erected.
3. Address—HON. CHARLES LANGEIER.
4. Address—MR. ARTHUR LORD, Mass. Historical Society.
5. Address—REV. W. G. GAYNOR, St. John Historical Society.

In the evening a large public meeting was held at the Academy of Music at which the President of the Nova Scotia Historical Society presided and speeches of great interest were delivered by the following distinguished gentlemen. This is the programme of the evening meeting:

## TUESDAY EVENING.

PUBLIC MEETING ACADEMY OF MUSIC 8.15 P. M.

1. Address—MR. CHARLES FRANCIS ADAMS, Boston.
2. Address—PROF. R. G. THWAITES, Wisconsin.
3. Address—REV. DR. FORREST, Dalhousie.
4. Address—REV. DR. KEIRSTEAD, Acadia.
5. Address—PRESIDENT HANNAH, Kings.
6. Address—MR. JOHN A. COOPER, Toronto.
7. Address—JUDGE SAVARY.

The Government of Canada, desiring to show its interest in this event in some tangible and permanent form, undertook to erect a monument to DeMonts which should stand in the old fort which he had founded three hundred years before.

It was impossible to have this monument erected or in its place at the time of the Celebration, but the foundation had been built, and the laying of the corner-stone was the first ceremony on the morning of Wednesday June 22nd. This was done by His Honor, Lieutenant-Governor Jones, assisted by the Admiral and General and the representatives of France and the United States. The town of Annapolis presented the Governor with a trowel and asked him to perform this duty, which he did, making remarks suitable to the occasion, and immediately after the stone had been laid in its place a salute of twenty-one guns was fired by the four ships of war then lying in the harbor.

It may be mentioned that on this occasion the Governor and his suite were received by a guard of honor composed of the squadrons sent by the French ship and the two American ships, and the national anthem was played by the bands of the "Troude" and "Topeka."

After the corner-stone had been laid, the distinguished guests repaired to the platform and in the presence of another large gathering of people speeches were made as follows. Admiral Sir A. L. Douglas said:

"We are assembled here during these few days, not only to amuse and interest ourselves, but also to perform a graceful act of recognition and gratitude. We have heard so many able and interesting addresses on all subjects connected with this tercentenary that it is quite unnecessary for me to say much. But there is one point which strikes me most forcibly, and that is, that dropping all national differences and jealousies, we are here in concord to do honor to the enterprise, pluck, energy and endurance of our gallant forerunners, DeMonts, Champlain, Pontgravé and their brave comrades.

We are proud of our modern navies and mercantile marine, but, while we cross the seas and visit all parts of the world under steam in powerful vessels, and in the greatest comfort, either on board men-of-war, or on board the great ocean liners, or the smaller coasting vessels, we are apt to forget, and can hardly realize the courage and enterprize of that little band of seamen, who, three hundred years ago, in mere cockle-shells, propelled by sail alone—with imperfect charts, with indeed no charts—set out to explore unknown seas and to discover new lands. And when this brave little company of seamen and gentlemen-at-arms set foot at last on this land, after a long and perilous voyage, their troubles were not yet over, for in our Canadian winter they found but an "iron welcome." However, despite difficulties, they planted themselves here, and for us their successors, though under a different flag, they gained for civilization this rich inheritance. They did more than that, they left us with the strain of their noble blood. They are still in us and of us. Just as in England, the Norman conquest, once a yoke, is now a source of pride. For we are all one people, conquered and the conquerors, and one blood runs through all, so that there is no question of different nationalities—French, Scottish, Irish, Saxon—all meet in the Canadian.

I do not know which, or how many, of the gallant band who first landed here survived to leave progeny—perhaps the descendants hardly know themselves—but that does not matter, their race is still with us, and we have a right by adoption and inheritance to claim these heroes now as our own. And so, stretching

hands across three centuries of time, we greet these noble gentlemen of France, and in so doing join hands with Monsieur Kleckowski, representing the President of France, and Captain Dillingham, representing America, our half brother, I might almost say our twin brother.

Long live the memory of DeMonts, Champlain and their gallant band! (Applause).

Major-General Sir Charles Parsons followed.

He said that on behalf of the British army he esteemed it an honor and great privilege to participate in this celebration. He considered himself exceptionally fortunate in being present to greet the representatives of France and the United States, who had come to take part. This monument to DeMonts, would serve as a token of magnanimity and good will towards the great country which founded the first settlements in North America, and which today, he was pleased to know, sustained the most cordial relations of friendship with our own empire. May peace and good will continue between France, whose pioneers founded Port Royal, the United States, whose inhabitants made it British, and Great Britain, in whose possession it now is! The site of Annapolis was well chosen from a military standpoint, and goes far to prove that these distinguished pioneers possessed marked military knowledge and acquirements, Sir Charles felt under obligations to the Nova Scotia Historical Society for their bringing to the notice of the army generally the military history of Nova Scotia. He was convinced that he was expressing the wish of the British army when he said that he hoped the statue of DeMonts would stand as a token of lasting friendship and good will between France and the British empire—an empire of which the Dominion of Canada forms so important a part.

Mr. F. B. Wade, K. C., the member for Annapolis in the House of Commons, also spoke briefly, intimating that the reason the statue to DeMonts had been given by the Government was to celebrate the happy union, and good feeling which now marks all classes of the Canadian people on the tercentenary of the foundation of Port Royal.

Samuel V. Hoffman, representing the New York Historical Society, conveyed the greetings of that society and went on to speak particularly of the work of Champlain. In this connection Mr. Hoffman displayed a most interesting relic—the astrolable of Champlain. A bronze instrument marked 1603 which may be described as a primitive sextant, probably used by him in Annapolis Basin, as there is almost absolute certainty by circumstantial evidence to it being used by DeMonts and Champlain on their expedition to the new world. This relic of the explorers was ploughed up in a field near the river in Renfrew County, Ontario in 1867 in ground where Champlain explored and there is strong evidence in his writings, that it was discarded or lost with other implements at or near where it was found.

This brought to a conclusion one of the most memorable historical celebrations that has taken place in Canada. All the arrangements were carried out with exactitude and every feature of the celebration, which lasted for two days, occurred without a single hitch in the proceedings, and the Nova Scotia Historical Society has received from many quarters the most cordial congratulations upon the success which attended this Celebration.

That a nation should value its history and note from time to time the mile-stones of its progress will be recognized by every wise and thinking person. That the growth of civilization and political power in North America constitutes one of the most important epochs in the world's history seems to make especially fitting a Celebration or the tercentenary of a memorable occasion, when the first seeds of that civilization and power were planted on North American soil.

*Appendix.***Governor Parr.**

The portrait of Governor John Parr, which appears in this Volume of Transactions, is a copy from a picture on vellum painted in London in 1780, which subsequently became the property of Lt. Gen. Earl Dalhousie, who in 1816, when Lt. Governor of Nova Scotia presented it to Matthew Richardson, an influential and wealthy merchant of Halifax, then residing at Studley, and who there, often entertained the Earl. The picture passed into the hands of W. M. Richardson, Esq., who held it for over 60 years and shortly before his death, presented it to Jas. S. Macdonald who had it copied to illustrate the memoir of one of the most popular rulers of Nova Scotia in the 18th century.

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**Celebration of 32nd Anniversary of Formation of Society.**

On 21st June, 1910, the Society held a special meeting to celebrate the 32nd Anniversary of the foundation of the institution, and also to honour the Natal Day of Halifax, which was founded by Hon. Edward Cornwallis, 21st June 1749. The meeting held at the Province Building was marked by a splendid attendance and great enthusiasm. A number of interesting historical addresses were delivered. The President of the Society James S. Macdonald presided, and in his opening remarks, gave a brief and lucid idea of the work and successful progress of the Institution. He was followed by Judge Longley, Senator Roche, Senator Ross, Archdeacon Armitage, Rev. Dr. MacMillan of St. Matthews Church, Frederick Campbell of London, and Mr. Justice Russell, all of whom gave patriotic and spirited addresses suitable to the occasion, which greatly interested the audience. The good work by the Society of reviving an old custom that prevailed generations ago, of holding an historical meeting on the evening of the Natal Day of Halifax, was thus restored with great success, and was the first at which any music was provided, Samuel Crawford sang, Joseph Howe's "*Hail to the day when the Britons came over*, to the setting by Halls in 1849, and the reunion was pronounced by all a splendid success.

## LIST OF PAPERS,

READ BEFORE THE NOVA SCOTIA HISTORICAL SOCIETY JUNE 21, 1878,  
TO JUNE 21, 1910.

DATE.	TITLE.	WHENCE OBTAINED.	PUBLISHED IN COLLECTIONS..
1878.			
June 21	Inaugural Address.....	Hon. A. G. Archibald	Vol. i. p. 18.
Sept. 5	History of St. Paul's Church. Part I.....	Rev. Dr. Hill.....	do. 35.
Oct. 3	Autobiography of Revd. Wm. Cochran.....	Rev. Dr. Cochran.....	
Nov. 7	Telegraphy in Nova Scotia and neighboring Provinces.....	G. E. Morton, Esq....	
1879.			
Jan. 2	Early Settlement of Shubenacadie.....	Miss E. Frame.....	
Mar. 6	Journal of Colonel Nicholson at Siege of Annapolis.....	T. B. Akins, Esq....	Vol. i. p. 59.
June 5	Translation from the French, relating to the religious beliefs of the Indians prior to the discovery by Cabot.....	Robt. Morrow, Esq....	
Nov. 6	Journey to Yarmouth in 17—by Mather Byles.....	Hon. Dr. Almon .....	
1880.			
Feb. 5	Early Journalism in Nova Scotia.....	J. J. Stewart, Esq....	Vol. vi. p. 91.
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# COLLECTIONS

OF THE

**Nova Scotia Historical Society**

VOLUME XV.

HALIFAX, N. S.  
Wm. MACNAB & SON,  
1911

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## OBJECTS OF COLLECTIONS.

1. Manuscript statements and narratives of pioneer settlers, old letters and journals relative to the early history and settlement of Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island, and the wars of 1776 and 1812; biographical notes of our Indian tribes, their history, characteristics, sketches of their prominent chiefs, and warriors, together with contributions of Indian implements, dress, ornaments and curiosities.
2. Diaries, narratives and documents relative to the Loyalists, their expulsion from the old colonies and their settlement in the Maritime Provinces.
3. Files of newspapers, books, pamphlets, college catalogues, minutes of ecclesiastical conventions, associations, conferences and synods, and all other publications, relating to this Province, New Brunswick, Prince Edward Island and Newfoundland.
4. Drawings and descriptions of our ancient mounds and fortifications, their size, representation and locality.
5. Information respecting articles of pre-historic antiquities, especially implements of copper, stone, or ancient coins or other curiosities found in any of the Maritime Provinces, together with the locality and condition of their discovery. The contribution of all such articles to the cabinet of the society is most earnestly desired.
6. Indian geographical names of streams and localities, with their signification, and all information generally respecting the condition, language and history of the Micmacs, Maliseets and Bethucks.

7. Books of all kinds, especially such as relate to Canadian history, travel, and biography in general, and Lower Canada or Quebec in particular, family genealogies, old magazines, pamphlets, files of newspapers, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statuary and engravings.

8. We solicit from historical societies and other learned bodies that interchangei of books and other materials by which the usefulness of institutions of this nature is so essentially enhanced,—pledging ourselves to repay such contributions by acts in kind to the best of our ability.

9. The Society particularly begs the favor and compliments of authors and publishers, to present, with their autographs, copies of their respective work for its library.

10. Editors and publishers of newspapers, magazines and reviews, will confer a lasting favor on the Society by contributing their publications regularly for its library, where they may be expected to be found always on file and carefully preserved. We aim to obtain and preserve for those who shall come after us a perfect copy of every book, pamphlet or paper ever printed in or about Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

11. Nova Scotians residing abroad have it in their power to render their native province great service by making donations to our library of books, pamphlets, manuscripts, etc., bearing on any of the Provinces of the Dominion or Newfoundland. To the relatives, descendants, etc., of our colonial governors, judges and military officers, we especially appeal on behalf of our Society for all papers, books, pamphlets, letters, etc., which may throw light on the history of any of the Provinces of the Dominion.

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## ACT OF INCORPORATION.

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### CHAPTER 87.

#### SECTION.

1. Incorporation.
2. May hold real estate.

#### SECTION.

3. Property vested in corporation.

An Act to incorporate the Nova Scotia Historical Society.

(Passed the 17th day of April, A. D., 1879).

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Honourable John W. Ritchie, the Reverend George W. Hill, the Reverend Thomas J. Daly, the Honourable William J. Almon, Thomas A. Ritchie, William D. Harrington, George E. Morton, and John T. Bulmer, and their associates, members of the Nova Scotia Historical Society, and such other persons as shall become members of such society, according to the rules and by-laws thereof, are hereby created a body corporate by the name of the Nova Scotia Historical Society.

2. The said corporation may purchase, take, hold, and enjoy real estate not exceeding twenty thousand dollars in value, and may sell, mortgage, lease, or otherwise dispose of the same for the benefit of the corporation.

3. Upon the passing of this act the property of the said Nova Scotia Historical Society, whether real or personal, and all debts due thereto, shall vest in the said Nova Scotia Historical Society hereby incorporated.

## AN ACT.

To provide for the Amalgamation of the Library of the Nova Scotia Historical Society with the Legislative Library and the Management of the Joint Collection.

(Passed the 10th day of April, A. D., 1881.)

Be it enacted by the Governor, Council, and Assembly as follows:

1. The Library of the Nova Scotia Historical Society shall be amalgamated with the Legislative Library of Nova Scotia, and the regulation and management of the Joint Collection and any additions that may be made thereto is hereby vested in a commission of nine persons to be called the Nova Scotia Library Commission, of whom the Lieutenant-Governor of the Province for the time being shall *ex officio* be one, and the remainder of whom shall be appointed annually, one half by the Nova Scotia Historical Society and the other half by the Governor in Council.

2. The Lieutenant-Governor for the time being shall be *ex officio* the President of the Commission.

3. Should the Nova Scotia Historical Society at any time fail to appoint any or all of the Commissioners whom said Society are hereby authorized to appoint, the rights and powers vested by this Act in the Commission shall devolve upon the other members of the Commission.

4. The Librarian shall be appointed by the Governor in Council, and shall be such person as the Commissioners shall nominate, and shall hold office during good behaviour.

5. The Commissioners may make bye-laws from time to time for the regulation and management of the Library and prescribing all matters necessary for the control thereof, but such bye-laws shall not go into force until approved by the Governor in Council.

6. The Commission shall make an annual report of the expenditure, the general state of the Library, and on all such matters in connection therewith as may be required by the Governor in Council, which report shall be laid upon the table of each branch of the Legislature during the session.

## RULES AND BY-LAWS.

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REVISED MAY 27, 1910.

1. The Society shall be called the Nova Scotia Historical Society.

### OBJECTS.

2. The objects of the Society, shall be the collection, and preservation of all documents, papers and others object of interest which may serve to throw light upon and illustrate the history of this country, the reading at the meetings of the Society, of papers on historical subjects, the publication, as far as the funds of the Society will allow, of all such documents and paper as it may be deemed desirable to publish, the formation of a library of books, papers and manuscripts, affording information, and illustrating historical subjects.

### MEMBERS.

3. The membership shall consist of Ordinary, Life, Corresponding and Honorary Members. The Ordinary or resident members, shall pay at the time of admission, an entrance fee of Five Dollars, and Two Dollars after each succeeding annual meeting. The Ordinary Members residing outside the limit of 15 miles from the city, may become members on payment of Two Dollars entrance fee, and One Dollar annually thereafter. Any Ordinary Member may become a Life Member by the payment of Forty Dollars. The Corresponding and Honorary Members, shall be elected by the unanimous vote of the Society, and are exempt from all dues.

4. Candidates for membership may be proposed at any regular or special meeting of the Society by a Member. The proposition shall remain on the table for one month, or until the next meeting, when a ballot shall be taken, one black ball in five excluding. No person shall be considered a member until his entrance fee is paid, and if any member shall allow his dues to remain unpaid for two years, his name may be struck from the roll.

## MEETINGS, OFFICE-BEARERS, ETC.

5. The regular meetings of the Society shall be held at 8 p. m., on the first Friday of each month, from November to May, both months inclusive, and special meetings may be convened on due notification of the President, or in case of his absence, by the Vice-President, or on the application of any five members.

6. The annual meeting of the Society shall be held at 8 p. m., on the first Friday of April, at which meeting there shall be chosen a President, three Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, and two Auditors, and a Council of four members, who with the foregoing shall constitute the Council of the Society. The election of members to serve on the Nova Scotia Library Commission, under the provisions of Chapter 17, N. S. Acts of 1880, shall take place at the annual meeting, immediately after the election of office-bearers and Council.

7. All communications which are thought worthy of preservation, shall be minuted in the books of the Society and the originals kept on file.

8. Seven members shall be a quorum for all purposes at ordinary meetings, but at the annual meeting, in April, ten members shall form a quorum.

9. No article of the constitution nor any by-law shall be altered at any meeting when less than ten members are present, nor unless the subject has either been discussed at the previous meeting, or reported on by a committee appointed for that purpose.

10. The duties of the Office bearers and Council shall be the same as those performed generally in other Societies.

11. The Publication Committee shall consist of four members and shall be appointed by the Council, to them all manuscripts shall be referred, and they shall report to the Council before publication.

## ELECTION OF OFFICERS.

12. All elections of officers shall be made by ballot, and a majority of those present shall be required to elect.

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**NOVA SCOTIA HISTORICAL SOCIETY**

1911.

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DR. W. J. ALMON.  
JAS. S. MACDONALD.  
REV. T. J. DALY.  
GEO. E. MORTON.

1879.

DR. W. J. ALMON.  
REV. T. J. DALY.  
GEO. E. MORTON.  
W. D. HARRINGTON.

1880.

DR. W. J. ALMON.  
J. J. STEWART.  
G. E. MORTON.  
WM. COMPTON.

1881.

DR. W. J. ALMON.  
G. E. MORTON.  
J. J. STEWART.  
JOSEPH AUSTEN.

1882.

HON. SENATOR ALMON.  
DR. J. R. DEWOLF.  
JAMES S. MACDONALD.  
PETER ROSS.

1883.

HON. SENATOR POWER.  
PETER LYNCH.  
R. J. WILSON.  
PETER ROSS.

1884.

HON. SENATOR POWER.  
W. D. HARRINGTON.  
DR. D. ALLISON.  
F. B. CROFTON.

1885.

R. J. WILSON.  
DR. D. ALLISON.  
F. B. CROFTON.  
W. D. HARRINGTON.

1886.

SIR ADAMS ARCHIBALD.  
T. B. AIKINS.  
DR. DAVID ALLISON.  
REV. DR. FORREST.

1887.

JUDGE WEATHERBE.  
DR. D. ALLISON.  
PETER LYNCH.  
REV. DR. POLLOK.

1888.

PETER LYNCH.  
THOS. BAYNE.  
DR. POLLOK.  
PETER ROSS.

1889.  
HON. DR. ALMON.  
THOS. BAYNE.  
REV. T. W. SMITH.  
PETER LYNCH.

1890.  
HON. SENATOR ALMON.  
PETER LYNCH.  
DR. A. H. MACKAY.  
REV. T. W. SMITH.

1891.  
HON. DR. ALMON.  
DR. A. H. MACKAY.  
J. J. STEWART.  
REV. T. W. SMITH.

1892.  
HON. DR. ALMON.  
J. J. STEWART.  
DR. POLLOK.  
REV. T. W. SMITH.

1893.  
HON. DR. ALMON.  
J. J. STEWART.  
DR. A. H. MACKAY.  
REV. T. W. SMITH.

1894.  
HON. JUDGE TOWNSHEND.  
J. J. STEWART.  
DR. A. H. MACKAY.  
REV. T. W. SMITH.

1895.  
HON. C. J. TOWNSHEND.  
J. J. STEWART.  
DR. A. H. MACKAY.  
REV. T. W. SMITH.

1896.  
J. J. STEWART.  
MR. JUSTICE TOWNSHEND.  
REV. T. W. SMITH.  
PROF. A. McMECHAN.

1897.  
J. J. STEWART.  
MR. JUSTICE TOWNSHEND.  
PROF. A. McMECHAN.  
REV. T. W. SMITH.

1898.  
REV. DR. FORREST.  
REV. T. W. SMITH.  
PROF. A. McMECHAN.  
REV. DR. SAUNDERS.

1899.  
REV. DR. FORREST.  
REV. T. W. SMITH.  
REV. DR. SAUNDERS.  
PROF. A. McMECHAN.

1900.  
REV. DR. FORREST.  
REV. T. W. SMITH.  
REV. DR. SAUNDERS.  
PROF. A. McMECHAN.

1901.  
J. J. STEWART.  
REV. DR. SAUNDERS.  
REV. T. W. SMITH.  
PROF. A. McMECHAN.

1902.  
REV. DR. T. W. SMITH.  
J. J. STEWART.  
PROF. A. McMECHAN.  
REV. DR. SAUNDERS.

1903.  
ARCHIBALD FRAME.  
PROF. A. McMECHAN.  
J. J. STEWART.  
REV. DR. SAUNDERS.

1904.  
REV. DR. SAUNDERS.  
PROF. A. McMECHAN.  
ARCH. FRAME.  
J. J. STEWART.

1905.  
REV. DR. SAUNDERS.  
DR. A. McMECHAN.  
J. J. STEWART.  
ARCHIBALD FRAME.

1906.  
DR. A. McMECHAN.  
J. J. STEWART.  
ARCHIBALD FRAME.  
HARRY PIERS.

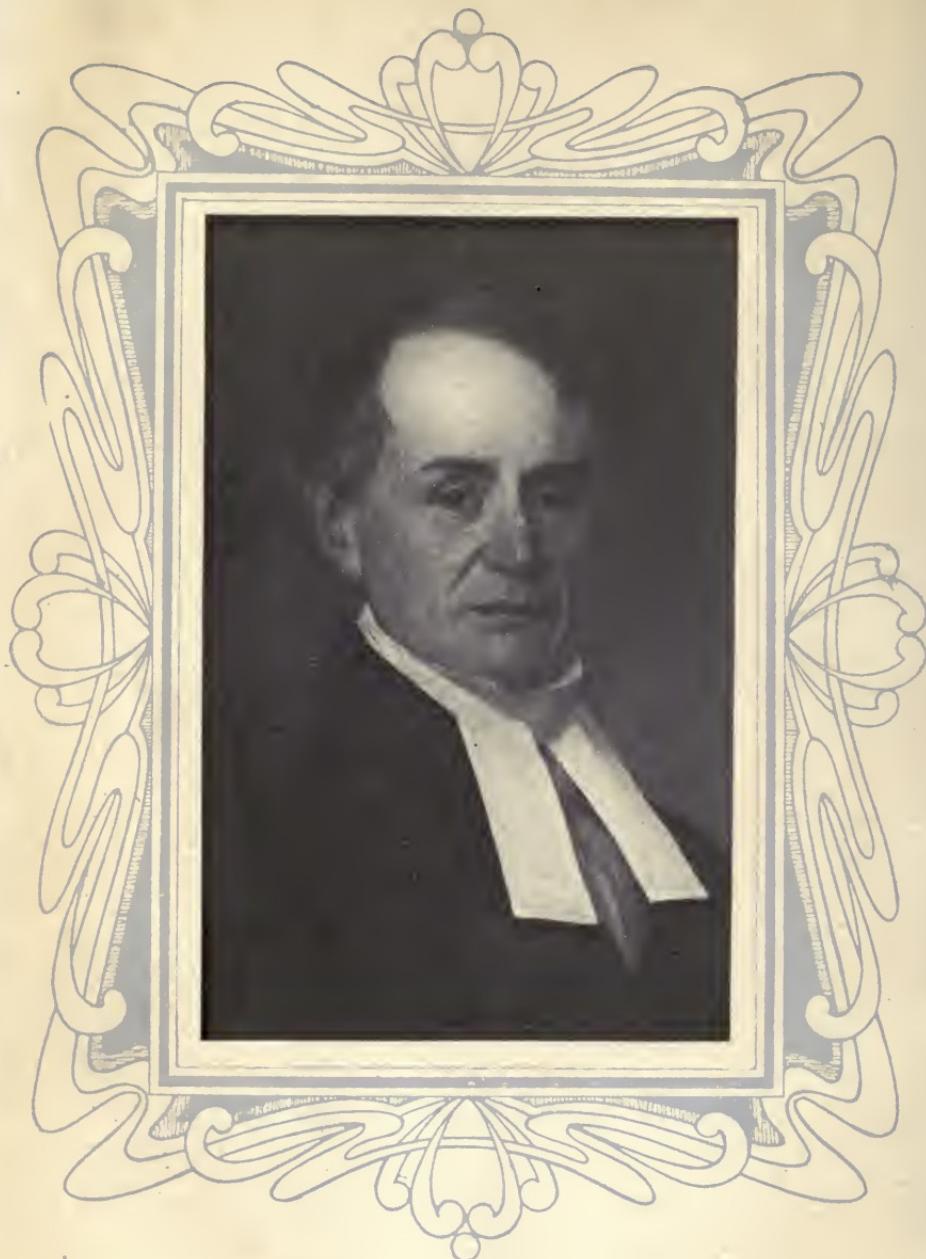
1907.  
J. J. STEWART.  
J. P. EDWARDS.  
A. H. BUCKLEY.  
ARCHIBALD FRAME.

1908.  
JAMES S. MACDONALD.  
A. H. BUCKLEY.  
ARCHIBALD FRAME.  
G. W. T. IRVING.

1909.  
ARCHIBALD FRAME.  
A. H. BUCKLEY.  
G. W. T. IRVING.  
J. H. TREFFRY.

1910.  
G. E. E. NICHOLS.  
A. H. BUCKLEY.  
DR. A. McMECHAN.  
G. W. T. IRVING.

Exhibit



HON. ALEXANDER STEWART, C. B.  
MASTER OF THE ROLLS,  
NOVA SCOTIA, 1865

## LIFE OF HONORABLE ALEXANDER STEWART, C. B.

BY

HONORABLE CHARLES J. TOWNSHEND, CHIEF JUSTICE OF THE  
SUPREME COURT OF NOVA SCOTIA.

Alexander Stewart, the subject of this memoir, was one of Howe's contemporaries, and for many years they worked together in the great cause of reforming the constitution of the Province. He began the battle before Howe entered public life. At the time Stewart was first elected to the House of Assembly Howe was its reporter, and was then just at the beginning of his distinguished career as an Editor, and Journalist. Stewart, although highly appreciated in his day, has not in later times received at the hands of his countrymen that credit to which his eminent services justly entitled him. His eloquent and masterly speeches which have come down to us, his activity, and fearlessness in assailing existing abuses, mark him as well worthy to be ranked with that distinguished group of Nova Scotians, Archibald, John Young, Howe, and others who fought the famous battle which eventually swept the Old Council of Twelve out of existence, and gave to the Province the great boon of Responsible Government.

It is only necessary to consult the Journals of the House of Assembly and of the Legislative Council and the newspapers of the day, to understand the leading and useful part taken by him in this great controversy, and in all the principal questions then agitating the public mind. The record of his political life, and the temper and ability he exhibited in all the debates, and discussions, are chronicled from day to day during the progress of the events to which they referred, and bear ample testimony to the value of his services and to his upright, and fearless character. He was early recognized as one of the cham-

pions of reform in government, and the determined enemy of the coterie which at that time controlled the affairs of the Province. The part he played in these constitutional, and legislative reforms has no doubt been overshadowed by the names of some of his able, and brilliant cotemporaries. In the different Houses of which he was a member were several of the best speakers, and some of the ablest men who ever took part in our public affairs—such as S. G. W. Archibald, Halliburton, John Young (Agricola), C. R. Fairbanks, Richard J. Uniacke, Joseph Howe, Johnston, Wilkins and others with whom he either acted, or to whom he was opposed. It is very probable that his name was to a great extent lost to the public view for another reason. Just about the time the reforms he had long advocated were successfully accomplished under the leadership of Howe, Stewart left the popular branch, and was made a member of the newly constituted Legislative Council. In the course of eight or nine years more he was elevated to the Bench, and thus entirely withdrew from public life. Howe too, the great popular hero, went further in the pursuit of governmental reform than Stewart was willing to go. This led to a rupture in their political relations, and eventually to open enmity between them. Stewart who had been hitherto the active opponent of the government accepted a seat in the Executive Council, and vigorously opposed the measures which Howe was advocating.

As indicating the intimate relations between them the following letter, the original of which is in the possession of Howe's son will be interesting—It was written on the 2nd March, 1835 just after Howe had made his famous speech to the jury in the great Libel Case.

DEAR HOWE:—I congratulate you on your splendid defence. I hope ere to-morrow at this time that the jury will have done their duty as well as you did yours. On the whole it was performed admirably except that it was as regards the law too deferential to the court; however *nil desperandum*. You have a jury of Nova Scotians. In the meantime pray let me see your last New Brunswick paper.

Mrs. Stewart and I join in kind regards to Mrs. Howe, and in sincerest wishes for your deliverance from the jobbing justices.

Yours truly,

(Sgd). A. STEWART.

There are but meagre details of his youth now to be gathered. He was born in Halifax on the 30th day of January 1794. His father was the Rev'd James Stewart, a Presbyterian Minister, who had recently come to the Province from Scotland. He was the eldest of three children. A brother James became an eminent barrister and was his partner, and a sister Elizabeth married Silas H. Morse of Amherst, and was the mother of Lady Tupper wife of Sir Charles Tupper. The family group was sadly broken very early in his young life by the death of his father leaving his widowed mother with three children in poor circumstances to struggle with the world.

In old St. Pauls' burying ground opposite Government House lie the remains of his father, marked by a well worn grave stone, and near to it the grave of one of his own children who died in infancy. Alexander received his education at the Halifax Grammar School, and if one may judge by the great command of language, the purity of diction, and ease of composition found in his writings, and speeches, the instruction must have been excellent, and the pupil apt and industrious. Not only was his English of the purest and best, but his knowledge of Latin and other branches of general education was remarkable considering the short period he was able to attend the school. As has been said the young family were left by the father's death in poor circumstances, and it was necessary that he, as the eldest, should put his shoulder to the wheel and assist to maintain them. He was first employed as a clerk in the Ordnance Department, a situation obtained for him through the influence of friends. He was then about sixteen years of age, and remained for some years in this office, how long is not exactly known. He succeeded in gaining the respect, and confidence of his superior

officers, so much so, that when dissatisfied with the poor prospect before him, he decided to give up the position; the Head of the Department remonstrated with him, saying, that if he remained, he would rise to be Chief Clerk. He is said to have replied, "that he would not remain if he could rise to be higher than the Chief of the Department himself." The spirit of self reliance contained in this answer was the key note of his future success. Leaving the Ordnance Department he entered the service of Messrs. Boyle and Moody, at that time large West India merchants. Mr. Moody evidently appreciated his abilities for in a short time, young man though he was, he was taken into partnership, and the firm became known as Moody & Stewart. So successful were the firm in business, trading in the West Indies and elsewhere, that after a few years Stewart was able to retire from the firm with considerable money, enough to allow him to devote himself to the study of the law which had long been his cherished wish, and ambition. Hitherto for want of means he had been unable to do so, but now having reaped the fruits of his industry, and secured a competency he at once commenced his legal apprenticeship. He at first became indentured to a practising lawyer in Halifax named Kidston, continued with him for some years, and then had his articles of apprenticeship assigned to his brother-in-law James S. Morse, of Amherst, in the County of Cumberland, whither he immediately removed. With Mr. Morse he completed his term of study, and was admitted an Attorney-at-law at Halifax on 14th July 1821, and a Barrister-at-law in the year following.

Prior to his admission to the Bar on the 26th June 1816, he had married Sarah, sister of the Honorable James S. Morse, which proved to be a happy marriage, and gave him that estimable boon, domestic felicity for life. She was not only a fine, and pleasing looking woman, but she possessed the more valuable qualities of an amiable disposition and was endowed with a more than usual share of good common sense. She was a prudent woman, and was through their long married life devoted to her husband. She knew the peculiarities of his tem-

perament, and whenever the occasion arose she exercised her calm influence in controlling his sometimes unreasonable bursts of passion. His affection for her was so great, and his confidence in her sound judgment so strong, that she was able to aid him materially in the struggles of his early career; and when at length he attained wealth, and high position, she proved a worthy helpmate capable in every way of filling the place she was as his wife called to occupy. It was seldom he took any step of importance without consulting her, and her rare common sense would generally prevail with him. They had a large family, of whom five only survived him, and herself survived him for twenty five years dying at Amherst in February 1893 at the ripe age of ninety eight. She lived to see her children's children in the fourth generation respected and beloved by all her descendants. It was fortunate for him that he was blessed with such a good, and prudent wife who readily, and uncomplainingly shared with him the trials, and difficulties with which he had soon to contend.

The period of time then necessary for serving under Articles of Apprenticeship, five years, had not expired, when Stewart's prospects were suddenly clouded by a blow from an unexpected quarter. The firm in which he had been a partner became insolvent. He had not taken the proper steps to make known to the public his severance from the partnership. As a consequence the creditors sought to make him responsible for the partnership's liabilities. Suits were brought against him, judgments obtained, and he was chased with executions by the Sheriff for claims he could not meet, and for which he felt he was in no way morally responsible. As far as possible his friends screened him, and even the officers of the law were favourably disposed towards him. His one great object was to complete his studies so that he might be enrolled as an Attorney and Barrister-at-law. In this he finally succeeded. An arrangement was made by which he surrendered to the creditors everything he possessed, provided he was permitted to pursue his professional studies unmolested. On these terms he continued to work until his admission to the Bar. It was then he had to

begin the world anew without money, or means of any kind and with the additional burden of a wife, and children to support.

In this connection a letter of Moody & Boyle, Creditors Solicitors, the legal opinion of Mr. Robie and Stewart's letter to S. G. W. Archibald are of interest, both in showing the unfortunate position in which he was placed and the honorable manner in which he treated an unjust demand. It is further noteworthy that all of the legal gentlemen connected with this correspondence in turn became master of the Rolls in turn and Stewart the last of all.

HALIFAX, 29TH DECEMBER, 1819.

DEAR SIR:—On the part of the Assignees of Moody and Boyle we have to call your attention to the claim they have on the late firm of Moody & Stewart, which they are desirous of having settled as far as you are concerned. The amount due has been fixed at £3,500, and of that sum the assignees will be willing to receive such proportion of £1500—offered by you as the whole demand against Moody & Stewart bear to their claim, and to give you a release. We are informed the whole demand amounts to £1811, and if that sum is correct, the assignee would be entitled to £291,6,8.

If you are willing to pay that sum on receiving a release, be pleased to make the necessary arrangements and although it is impossible to get a number of the creditors to join in one arrangement, we feel assured the principal part of them who have claims on you will accept of the same terms. To induce them to do so we shall cheerfully use, our best exertions, Your early reply on this subject will oblige. Dear Sir your obedient servant

CHARLES & SAMUEL FAIRBANKS.

MR. ROBIE'S OPINION.

"I am strongly inclined to think that Mr. Stewart as a partner in the firm of Moody & Stewart cannot be answerable to Moody & Boyle for any of the charges contained in that statement as

it appears they were made not with any idea of making Mr. Stewart responsible, but merely to enable Moody & Boyle to settle with each other which they could not have done without entries of this kind, the transaction of the several firms being run into each other. I take for granted although it is not stated by you, that Boyle was all along informed of the settlement, and agreement that had been made between Moody & Stewart, indeed it must have been impossible for him to have been ignorant of it, in any event the payment by Mr. Boyle of the debt of Moody & Stewart after the dissolution of the copartnership of the latter must as respects Stewart have been voluntary and made without his knowledge, or without any request on his part, and therefore he cannot be answerable at least so I think."

S. B. R

STEWART'S LETTER TO S. G. W. ARCHIBALD, ESQ.

AMHERST, JANUARY, 14TH, 1820.

SIR:—I take the liberty of handing you a copy of a letter which I received by the last post from Messrs. Fairbanks on the part of the assignees of the late firm of Moody & Boyle. As my object in to be fully released from all claim on me on account of my connection with Mr. Moody, it is of little consequence to me who shares the sum I relinquish, provided that object be attained. Yet I certainly would rather that those who have legal claim on me should receive it, than otherwise, and having had your opinion, and also that of the Solicitor General, a copy of which is subjoined that the claim is unfounded, I conclude that they have neither a legal or equitable demand on me. I therefore leave it to you, and the Creditors of M. & S., to determine whether the proposal made on the part of the assignees of M. & B., should be accepted. If not I should expect a Bond of Indemnity as to that claim, as however fetid it might appear, in the end I should probably in the meantime be burdened with the expense of defending a Chancery Suit, which in the altered state of my finance, I shall be little able to bear. Perhaps Mr. Fairbanks on being put in

possession of the part of the case would agree in opinion with you, and Mr. Robie, and would advise the assignees not to harrass me with a further suit, as I have hitherto had every reason to believe that his disposition towards me was friendly, or if he should decline doing that, that a statement of the case may be drawn up, and submitted by both sides to two, or three gentlemen of the Bar. May I beg the favor of your seeing him early on the subject, lest he might think I treat him contemptuously by not answering his letter. I am, Sir, with respects your very obedient humble servant.

ALEX. STEWART.

S. G. W. ARCHIBALD, ESQ.

His training, however, had been in the school of adversity. His youthful labors, and business experience had brought to him strength of mind, and self reliance which now well sustained him in the arduous struggles of life. Undismayed by the great discouragements which surrounded his position he applied himself with zeal and earnestness to his professional duties, and in a comparatively short time won the most gratifying success. The difficulties of his situation were of no ordinary or trifling character. In addition to his poverty, by this time quarrels, and dissensions had arisen between himself and Mr. Morse, with the inevitable result that instead of the latter rendering him any assistance in his new career, every obstacle was put in his path. Mr. Morse was at that time, probably, the most influential man in the County of Cumberland, connected in business and socially with all the leading people. He was the representative of the town of Amherst in the Legislature, and the intimate friend and associate of the governing powers in Halifax, and in a good position to thwart both politically and otherwise Stewart's efforts to make a name and place for himself. Against such odds Stewart, a poor, and comparatively unknown young barrister, had to contend at the very outset. He has been heard to say in after years that when he commenced practising law, it was no unusual thing for himself and family to sit down to a dinner of salt herring and potatoes.

In a letter to his grandson he says; "When I commenced practise I had tenpence in my pocket, a wife, and your mother to support."

Thus surrounded he opened his office in Amherst, then a small village, with no money, few friends, and the bitter personal animosity of those connected with him. He had not to wait long, nor in vain. Clients soon flocked to his office. His abilities must to some extent have been known from the years he had already passed in Amherst in acquiring his profession, and now when the opportunity occurred he was quick to seize it, and give evidence of the powers that were in him. It is said by persons who witnessed his early efforts that his conduct of the cases with which he was entrusted soon won the confidence, and admiration of the public, and as a consequence early in his practise business came rapidly. He had every inducement to put forth his best efforts. He was not however the man to spare himself in the energy he put into his work, and the industry with which he applied himself to the matters he had in hand. This was one of his characteristics throughout life. What he undertook to do he did well, and the result was that he met in the trial of causes at the bar the most gratifying, and unbroken success.

Shortly before his death in answer to an enquiry about his successful career, he says—"All I ever assert a just claim to is energy, industry and honesty, some considerable ability for public speaking nature bestowed upon me, and by repeated perusals of Erskine's orations, I think I imbibed a little of his good taste and improved it somewhat for I had a widespread reputation for the success of my oratorical efforts, and I was rarely unsuccessful in winning verdicts. While in the Legislature where my cotemporaries were Archibald, Fairbanks, Bliss, Halliburton, the two Youngs, the father and the present Chief Justice, and others, I held a respectable position. Recurring to the probable cause of my success, for I had undoubtedly great success at the bar, I may mention that I never omitted

any effort to thoroughly understand every cause I undertook. I always looked at the law and facts if possible through the opponents spectacles, cross examined my own clients rigorously and never omitted to closely question witnesses in my office before I adduced them in court. Both parties and witnesses unconsciously we must think keep back circumstances in their view unimportant which completely alters the character of the case."

His reputation as a sound and able lawyer rapidly spread through the county and the adjoining County of Westmoreland in the Province of New Brunswick. With his reputation growing his business increased until he was retained in all important cases not only in the County of Westmoreland but throughout the Province of New Brunswick. With increasing business his income rapidly rose until he was able to lay the foundation of the very considerable fortune of which he died possessed. In that Province he encountered some of the very able men at that time practising at the bar, and sustained the high position already gained in his native Province. He thus became a leader of the bar in both Provinces, and his services were eagerly sought for. The particular cases in which he was engaged have ceased to be of any interest, but his character as an advocate and his mode of presenting his cases in court are worthy of notice. As can be readily understood he had always been a diligent student and when he came to the bar his mind was thoroughly stored with those principles of law which characterised his decisions on the bench. Knowledge of principles was the advice which he instilled into his students. In one of his letters to his grandson then a student at law he says: "Nothing you can commit to memory will give you in so small a compass so much available legal knowledge as the Latin Maxims. To the attentive regard I always paid to principles I owe much of my success as a lawyer and a Judge and each of these maxims embodies a principle. To these principles I owe my deduction of a right rule in the recent novel and anomalous case of the Chesapeake, the mere enunciation of which

excited such a storm of disapprobation among the bar and the sciolists of the press. I have reason to believe that my view of the right disposal of that vessel is confirmed by the Crown Officers in England.

Case law in his estimation was a subordinate consideration, not that the study of cases should be neglected but the foremost place must be given to those fundamental rules and principles which govern the decisions. He is said to have been a great power with the juries. He was a clear, forcible and impressive speaker, and generally succeeded in impressing on them the convictions of his own mind in the cases he advocated. While a successful jury lawyer he commanded great weight with the court. We have no reports of the cases he tried and argued and must therefore depend on his general reputation. This reputation is confirmed by his speeches in the House of Assembly and by the judgments which he pronounced from the Bench of which a small number are to be found in the reports and in the Press of the day.

His standing as an able, and successful barrister, and as a professional man in the County being well established, his attention was next called to public affairs. Parties were not then divided as now. When he entered the political arena representatives to the Legislature were much more chosen on their merits apart from their political leanings. He first became a candidate and was elected to the House of Assembly for the County of Cumberland at the general election of 1826, and was also returned for the same County at the two succeeding elections. In the year 1837 he was appointed to the Legislative Council of which body he continued a member until his appointment to the Bench in 1846. His elections were severely contested, and on the last occasion he barely succeeded in retaining his seat.

Judged by the course he adopted and followed from his first entrance into the Legislature, Stewart must be classed as a reformer, and liberal in his views. He strenuously attacked the abuses which in his opinion existed, and was foremost in ad-

vocating measures for the improvement, and development of the Province. His attitude to the old Council of Twelve has already been referred to, and later on in the course of this memoir it will be seen how boldly he challenged its conduct.

His political leanings are very clearly shown by Howe in the "Nova Scotian" of Nov., 27th, 1839, where in giving a very humorous account of Stewart's speech at the Lord Mayor's dinner in London, he says, "we could not have helped laughing even if we still looked upon the ex-member for Cumberland, as we were in old times wont to regard him as a champion of Reform, a Tribune of the people, and a fellow labourer in the Colonial vineyard from which both were convinced that it was desirable to root out many noxious weeds. Regarding him as we do now, certainly more in sorrow than in anger as one of those most conspicuous labouring to shelter and preserve the weeds—as one who is bragged of as a political Goliah (we beg pardon he is not their Goliah) of the Philistines we think we are entitled to make merry." These comments were made of course after he had severed his connection with Howe, and his party, because he believed they were pushing the desired reform beyond what was necessary, and not in the interests of the Province.

His political views are again very clearly brought out in the Report of Young and Huntington to the House of Assembly on the results of their delegation to the Colonial Office. Stewart and Wilkins were sent as delegates on behalf of the Legislative Council. They report that at the interview by appointment at the Colonial Office. "Mr. Stewart here expressed his anxiety to be informed what was the liberal or popular party, and how it was distinguished. He differed with the majority of the Assembly on the extent of economic reform, but on all popular questions had always stood side by side in the Assembly with Mr. Huntington." To this question Mr. Young replied, "That Mr. Stewart had at one time been accounted a leader on the liberal side, but had become of late years one of their most active opponents." Mr. Stewart then insisted that there was no

essential difference between the two parties; he declared he was as much a liberal as ever, and disapproved as much of High Church and Tory measures.' This statement of his position and views as a public man, as reported by two of his strongest opponents, sufficiently indicated the stand he took on all public questions. He was not a party man—he was a liberal but not a radical. He stood for the gradual amendment of the constitution so as to bring government more in harmony, and under the control of the people.

Alexander Stewart's appearance bespoke him to be a man of strong character. He was of medium height, and squarely built, an erect figure with a quick impulsive walk. His head was large with a broad, and full forehead—eyes a lightish gray—his complexion reddish with a rather stern expression of countenance. In conversation this expression would relax, and he was always a most agreeable and interesting companion brim full of talk and humour. The fund of information he possessed on most every subject would come out in the discussions which took place. He was a great reader, and having a very retentive memory he could throw light and interest into any question which formed the subject of conversation. He was very fond of poetry, especially the Scottish Bards. No one could be long in his society without appreciating that he was a man above the ordinary. The oil portrait of him in his son's possession shows these characteristics. His manners while ordinarily courteous were at times quite abrupt, especially if anything had occurred to irritate him. His temper was hasty, and at times violent, and was not well under control, a defect which in the course of a busy life often worked injury to himself, and of which no one was more conscious than he was. There was, however, nothing vindictive in his disposition. Once the storm was over, no one could be more ready to make amends, and acknowledge his error. Of a generous, and forgiving character he did not retain malice or ill feeling. He felt, and as all deep natures feel, strongly when he conceived he had been injured, or unjustly treated, but at the end of his life all such sentiments had passed away and were

obliterated from his mind. In one of his letters, dated 20th Sept., 1864 a few months before his death, referring to the abolition of the Court of Chancery, he says: "I was, however, dealt very harshly with by all parties, when I was displaced from the Rolls, but I have long since forgiven the actors."

His sense of honor of doing what was right and just at whatever cost was one of his great characteristics. No sordid motives, nor underhand dealings were tolerated by him for an instant, nor did he hesitate to denounce boldly what he believed to be wrong no matter who was the offender. In his dealings with others he was scrupulously correct and exact. In all he undertook to do or did he was thorough and painstaking, working with that indomitable energy which was part of his nature. While in the course of his career he had made many bitter enemies he was happy in the enjoyment of many strong friendships which continued unbroken to the end of his days. In early life he was a Presbyterian, but subsequently became a member of the Church of England. His religious convictions were deep sincere and strong, but there was no narrowness in his views in this respect.

Before turning to his political career there are some other incidents connected with his residence in the County of Cumberland which will be of interest. He continued to practice in that County and in the Province of New Brunswick with increasing reputation and growing business, until the year 1834, when with his family he removed to Halifax, and opened an office with his brother James as a partner. During the 14 or 15 years of his residence and practice at Amherst several students were articled to him who afterwards made their mark in legal and political circles, such as Senator Dickey, and the late David Shanks Kerr, of St. John, N. B. It was with great pride that these men looked back to their former tutor for the careful and accurate training they had received at his hands. By this time too his associations and influence had widely extended among all classes of the people in the County. Nowhere was this

more strongly manifested than in the eastern portion of Cumberland, where the settlers were chiefly Scotch or of Scottish descent. A strong sympathy, and attachment existed between them. It is said that at his last election when owing to sinister influences in other parts of the County defeat stared him in the face, he shouted to his exulting foes, "wait till we get over Wallace Bridge", and he was not deceived. The Scotchmen turned a crushing majority against him, into a majority in his favor, and he was again returned to the Legislature. Stewart did not forget them in their hour of distress. A time came when the scarcity of flour was so great, and the price so high, that these men of moderate means, and little money, were unable to get it for their families, Stewart put his hand in his pocket, purchased the flour and distributed it amongst them. The old Scotch people of the Gulf Shore, Wallace, and Malagash never forgot Stewart, and so far carried their devotion to his memory, that they or their descendants loyally adhered to, and supported his children's children in many political contest long after he was in his grave.

Among the many prominent persons in the County of Cumberland whose friendship he had gained, and valued, was the Honorable Daniel MacFarlane who was Custos of the County, and subsequently a member of the Legislative Council. Mr. MacFarlane had early in the last century emigrated from Scotland with a large number of Scotch people, and settled at what was then called Remsheg subsequently changed, it is said at the instance of Stewart, to the name of Wallace more in keeping with the nationality of the early settlers. Amos Seaman, the so-called King of Minudie, was another of his warm supporters and friends. He became the owner of the Minudie Estate purchased through Stewart's assistance from the DesBarres, and controlling as he did a large tenantry, and quarrymen who worked the valuable grindstone quarries on the estate, Mr. Seaman was a powerful man in the County.

Robert McGowan Dickey, father of Senator Dickey, was at that time a leading resident in the central part of the County

which he represented in the Legislature for some years. His only son the Senator subsequently married Stewart's second daughter Mary. His influence, combined with others such as William White Bent, Joseph N. B. Ken, and the powerful Ratchford family at the western end of the County—all people of good standing and leaders in political affairs—upheld and strengthened Stewart in the career on which he had entered. Those mentioned are of course but a few of the most prominent whose names have come down by tradition as the friends, and supporters of Stewart, during the time he lived in Cumberland, and was its representative in the Legislature. In 1828 he was appointed Judge and Registrar of Probate for the County, which offices he held until he left Cumberland.

His business capacity nowhere showed to greater advantage than in his management of several large, and important land estates in the County entrusted to his hands, such as the Des-Barres, the Cochran, the Cunard and Blair properties. Sales were to be made, and rents collected, trespassers to be watched, and boundaries to be maintained. His early business experience with his ripened knowledge enabled him to handle all such transactions with great skill, and prudence, and, to the marked advantage of his clients. Not only did his clients reap the benefit of his superior capacity, but he had by the time he decided to go to Halifax amassed, by hard work and frugal living, a fortune sufficient to make him once more independent, and to pursue the independent course he had always adopted.

The decision of Stewart to remove to Halifax was a very natural one. Amherst was then a small village at a long distance from the capital. The field for his growing ambition both as a lawyer and a public man, was very limited. He had now attained a high reputation, both in his profession and as a rising statesman, and if he was to maintain that position and advance to higher office, as matters then stood he must push his way in the centre of political action, and where he would have the opportunity of contending with the foremost legal talent of

the Province. Accordingly in 1834, eight years after his first election to the House of Assembly, and twelve after his admission to the Bar, the momentous step in his future career was taken. That it was a venturesome one, especially in view of his known attitude to the powers then controlling the social, political, and legal affairs of the Country, cannot be doubted. The old Council, composed of many of the influential business and professional men, or connected with them, were in a position to down any aspirant hostile to their authority, unless, as it turned out in his case, he was possessed of more than ordinary nerve and courage to withstand their influence. Stewart had evidently grasped this view of the situation. He did not make the move until he had the material resources to depend upon, and then in that self-reliant spirit so conspicuous throughout his life, he planted himself in the Metropolis of the Province, with his brother James as partner. His coming was viewed with no friendly eyes by even many of the leading members of the profession, who no doubt regarded him as an intruder into their territory. Opposition of this kind could not successfully prevail against a man of ability and courage prepared to fight his own way. It soon went down before his bold, vigorous, and independent action, and in the course of a few years the records of the Court show that he was gradually and surely taking a leading position amongst his brethren at the Bar. As his merits became better appreciated his services were eagerly sought for, and before he left the profession he could number among his clients many of those who had in the past been his most bitter opponents. In 1846, just twelve years after coming to Halifax to reside, he was appointed Master of the Rolls. His elevation to the Bench was the crowning success of his strenuous and busy life, which at once removed him from the ranks of the profession which he had so long adorned, and from the halls of the Legislature, where for so many years he had played such a prominent part in the affairs of the Province.

His political career, which extends over a period of twenty years, next demands attention. It embraced one of the most important, and stirring epochs of our Provincial history when

increased interest in public affairs began, and a revolt against the existing system of Government was looming up. Many grave and important questions were from time to time before the Legislature—none greater than the struggle for responsible government, in all of which it will be found in the course of these memoirs Stewart spoke with no uncertain voice in the interests of the people, and for the advantage of his country.

#### POLITICAL CAREER.

As stated before Stewart was first elected to the House of Assembly as member for the County of Cumberland at the General Election of 1826. The new House was called together on the first day of February, 1827. Sir James Kempt was at that time Lieutenant-Governor of the Province, and the Old Council of Twelve then constituted both the Executive and Legislative branches of the Government. It was composed chiefly, if not altogether, of the chief magnates of the Province and prominent persons residing in Halifax such as the Chief Justice, the Bishop of Nova Scotia, the Collector of Customs Mr. Jeffrey, Enos Collins, Mr. Wallace, Mr. Uniacke, Mr. Binney, Mr. Robie, Mr. Prescott, and Mr. Stewart. The authority exercised by this body over Provincial affairs was very great, and before this period their proceedings had been complained of and questioned by the House of Assembly, but with little success.

Among the men of note who occupied seats in the Assembly when Stewart first became a member were Samuel G. W. Archibald, the eloquent orator who was made Speaker as he had been in the previous House, Richard J. Uniacke, Junior, Thomas C. Halliburton, popularly known as Sam Slick, John Young, known as Agricola, Charles Rufus Fairbanks, afterwards second Master of the Rolls, Beamish Murdoch, the future historian of the Province, William Lawson, Lawrence Hartshorne, William Henry Roach, and others.

Many stirring questions of great importance at this date were agitating the public mind such as the Quit Rents, the ques-

tion of Catholic Relief, Education, and the right of the House to control the public revenues of the Province. It will be seen that Stewart very soon came to the front and took a leading part in the discussion of these, and other measures, and assisted in the legislation which followed and in vindicating the rights of the people's representatives. As no official reporter then recorded the doings of the Assembly it is only possible to gather from the newspapers of the day such imperfect accounts of their proceedings as they thought sufficiently interesting to publish.

Mr. Fairbanks in the previous session had brought before the House the lamentable condition of the Province in respect to Education, and had by resolution proposed that common schools should be supported by direct taxation. The time was not ripe for such a radical step and probably the Province was not equal to such a burden, and nothing came of this movement.

At the present session T. C. Halliburton took up the school question introducing a new bill appropriating a sum of money to this object, which the Council rejected. The next day Halliburton introduced a new bill in very similar terms which was seconded by Stewart. It was in this debate that Halliburton made use of some very disrespectful language towards the Council in which that body was described as twelve old ladies. The Council resented this, and ultimately the House with great reluctance on the demand of the Council censured Mr. Halliburton. This incident is mentioned as the first in which Stewart displayed his attitude to the high handed position taken by the Council, by giving his general support to Halliburton. It no doubt created in his mind the unfavourable feeling towards that body which characterized his future action, and led him to join with those who were determined to curb its pretensions. The previous House had also passed an address protesting against the appropriation of the Provincial Revenues by the Lords Commissioners of the Treasury, claiming that such Revenues should be entirely under the control, and at the disposal of the Colonial legislature. At this session the question was again brought up

by Mr. Fairbanks who moved several resolutions on the subject contending that they were a firm and manly statement of a right which he trusted in God would never be denied—the right of this House, and this country to the fair privileges of British subjects, and the appropriation of all monies collected in the shape of taxes in the Province. These resolutions were supported by Stewart. They were opposed by Uniacke, Murdoch and Young, but were finally passed with an amendment. In this debate again Stewart is found on the side of reform, and in upholding popular rights.

It is curious to notice the position taken by Halliburton, Uniacke, Young, Murdoch and others on a question like this. They all opposed its passage in strong speeches. But John Starr of Kings and Roach of Annapolis, and Stewart vigorously supported the resolutions which were carried by a vote of 19 for and 15 against. Stewart reviewed the first two resolutions, and wished those opposed to them to point out anything inflammatory in them. The third embodied the two first, and pledged the House to provide liberally for the officers of the customs. He made some further remarks on the address of the Assembly on the subject in the previous year. Mr. Halliburton's resolution in his opinion was at variance with itself, and in reference to an expression which had been made that more satisfactory arrangements would be made when the report of the Surveyor General was sent home he asked, were the rights of the people of Nova Scotia to depend on the report of any officer? For his part he would say that the people did not hold their rights by a tenure so doubtful. Halliburton's amendment was put and lost.

One of the most stirring debates which took place during this session was on the application of the trustees of Pictou Academy for a renewal of the grant of £400 towards its maintenance. In the end the resolution to make the grant was carried, but the Council refused to concur in it. Stewart took strong ground against the grant in which he crossed swords with Archibald, and Halliburton. His opposition appears to have

been largely due to the very objectionable tone of the petition addressed to the Legislature, and to the fact that it meant setting up another sectarian educational institution in the interests of the Presbyterians, and further that it was beyond the means of the Province. It is to be remembered that at that period he was himself a member of the Presbyterian body, and therefore could not have been actuated by any religious prejudices.

The next large, and important question which engaged the attention of the House was the petition for the relief of the Roman Catholics who were at that time debarred from taking seats in the House without the test of certain oaths to which they conscientiously objected. The matter was brought forward on the 20th February, 1827, by Mr. Uniacke, and on the 26th February its consideration was taken up. Eloquent speeches were made in support of the prayer of the petition by Richard J. Uniacke, Benjamin DeWolfe, T. C. Halliburton, Stewart, Fairbanks, Young and Dimock, and the resolutions were carried without a dissentient vote. Halliburton's speech on that occasion has been greatly eulogized. Reading it dispassionately at this day it strikes one as peculiarly bombastic, and extravagant, and inaccurate in the statements made. Some of these statements were challenged at the time. The best apology for his speech is probably that he was then a young man bidding for popularity, but his remarks in an historical point of view are in many instances unsound. Stewart spoke on that occasion, and said "He deprecated the abuse which had been lavished on the Bench of Bishops (Mr. Uniacke here rose and denied that he had abused them). Notwithstanding the ill timed zeal, and injudicious observation of the advocates of the address he should support the measure. Whatever necessity existed in England for the test oath, he saw none in this colony. He wished to see entire religious liberty prevail in Nova Scotia. The catholics forming the population were loyal, and respectable subjects, and ought to be relieved from this mark of degradation." These calm and judicious expressions exhibit very strikingly his advanced and liberal views on the subject of religious equality.

The next question of importance on which Stewart addressed the House was on the proposal to appoint two Agents for the Province in London. Halliburton led the opposition and was supported by Stewart. He says, "He coincided with Mr. Halliburton. He deprecated the spirit of the resolutions as they went to deprive His Majesty's Council of a share in the nomination which they always possessed. Another objectionable feature was that the agency was only directed to represent commercial interests while the agricultural were thrown into the shade and neglected. There was no valid reason advanced why the House should not continue to pursue the same plan hitherto followed of transmitting its documents through the Lieutenant Governor of the Province. He was willing to grant a sum to pay an agent for the merchants but that agent should not be clothed with a Provincial character, nor should he be guided as to the interests of the country generally by a body of men not having constitutional authority." The resolutions were lost.

The next session of the Legislature was called on the 31st January, 1821, in which the question of Quit Rents came up. Orders had come from the Secretary of State for the Colonies in the Spring of 1821 remitting all arrears previous to 1st July 1821, and directing the collection of rents due to the Crown on grants of land thenceforward. The revival of this obsolete claim after it had been allowed to sleep from the foundation of the Province naturally excited great dissatisfaction. The revenue which would thus be raised would have caused great distress to the people, but what was worse would put it wholly at the disposal of the government in which the Assembly would have no voice. The matter was brought up in the House early in the session. Stewart was the prime mover. He submitted a resolution to the effect that a Committee be appointed to request the Lieut. Governor to furnish an account of the amount, and disposal of the Quit Rents, and to give such other information on the subject as might be necessary to the House. Mr. Uniacke was opposed to this and was satisfied that the intentions of the Mother Country were beneficent. He thought however it would

be better to petition his Majesty to waive this claim, but was fearful if, from the information which they were about to request the amount of the Quit Rents were known in England, the British Government would be far less willing to give them up.

Stewart would make no compromise. He said, "He wished no concealment, in fact he considered it impossible there could be any. The debates of the House were public. The speeches would be taken down, and published throughout the Province. The officers of the Government would of course be in possession of the facts, and would have to furnish them to the Colonial Office, because before the claim was abandoned, the amount would have to be ascertained. He was firmly of the opinion, however, that the Quit Rents never could, and never would be paid by the Province." Objections of different kinds were made to the resolution, but Stewart said that the objections that had been urged all went upon the ground that the House was debating with closed doors, and that the British Government could not get information elsewhere. The fact was otherwise. In the end the resolutions were agreed to, and Stewart with several other members were appointed a Committee to wait upon his Excellency and to intimate to him the desire of the House on the subject of the Quit Rents. The House finally adopted a Memorial to the King praying him to relinquish the Qute Rents, or suspend their collection.

The answer to the Memorial of the House of Assembly was not favourable. An offer was made to enter into a composition, or commutation of these rents. It came up at a late date and was again discussed in the House.

In the session of 1829 the case of Mr. Bary, Member for Shelburne was before the House. He was required to apologize for some disparaging observations made in reference to Colonel Freeman another member. This he refused to do, and he was forbidden to take his seat until he made the apology dictated by the House. Mr. Bary in defiance of the resolution took his seat the

next day when he was taken into custody by the Sergeant-at-arms and removed from the House. Riotous disturbances took place by Bary's supporters, who even went so far as to assault several members of the House. On this occasion the gallery was cleared and the Speaker appealed to the House for instructions. Stewart thereupon rose, and said, "that by all his hopes of happiness in a future state he had acted toward Mr. Bary in his former votes with what he conceived to be leniency, and kindness, and that it was under most painful feelings he felt himself bound to offer to the House the resolution he held in his hands which in effect was that Bary having been guilty of a high contempt of the privileges of the House he be further committed to the custody of the Sergeant-at-arms until the further order of the House. This was passed, and Bary was committed to custody. For a further contempt in publishing a letter reflecting on the action of the House he was expelled the House and committed to prison for the remainder of the session.

Stewart's attitude to the old Council of Twelve may be gathered from a speech he made about this time. One or more vacancies in the Council had occurred, one of which had been filled by the well known Samuel Cunard, afterwards Sir Samuel Cunard. His qualifications for the position were undoubted, but it did not meet with the universal approval of the House, and among others of Stewart. He desired them to understand that Halifax was not all Nova Scotia. If the policy pursued in making recent appointments to the Council, the end was to add information to that body, it was one that would eventuate in the good of all. He had nothing in the least to say derogatory of the individuals selected—on the contrary he respected them, but confessed that he thought the interests of the Province would have been better served by selecting persons at a distance from the capital, persons who could bring local intelligence, and local influence into the Council. He did not go behind the door to say that in his opinion, of the person called to fill the position of a Councillor, there should be undoubted evidence that he possessed the confidence of the people. One for example who had

sat in the House of Assembly for many years might reasonably be supposed to be eligible for a seat in the other branch. He warned the Governor and his advisers that great feelings of jealousy existed in the country on the subject, and he felt that he should be wanting in his duty, if he failed to mention the fact. He was not in favor of an elective council, but he wished to see the agricultural interest represented in the higher body, and he thought the time was opportune to enquire whether some alteration might not be judiciously made in the constitution of that branch. Under any circumstances it would be advisable in making selections of representatives of the agricultural interests to seek some one who resided beyond the sound of the gun on George's Island.

In these remarks Stewart's disposition to reform the old Council is plainly evident—in fact his whole course in the House at this period, and during all the time he sat in the Assembly indicates his dissatisfaction with the existing management of public affairs, and that he did not fear to give expression to these views in the face of the powerful influence against him. His warning was not then heeded, but before many years passed the Old Council of Twelve was swept out of existence, and a new order of things which resulted in Responsible Government was brought about. Although he was not then a Member of the House of Assembly, he was one of the men who set the ball rolling. He worked in conjunction with Howe for reform, and only stopped when he thought Howe was going too far. No doubt as we view these matters now he was mistaken in not pushing reform to the full extent—but while a reformer his zeal was tempered with caution against changes which he considered too radical. When certain reforms were attained which in his opinion were sufficient he upheld the Lieut. Governor in his interpretation of the Imperial despatches, and thereby incurred the bitter hostility of those with whom he had hitherto worked.

In the session of 1830 another evidence of Stewart's liberal and enlightened views appears on the question of the relief of

Roman Catholics. A copy of the English Act for reviving disabilities had been passed with a recommendation that the Legislature should pass a declaratory Act extending its provisions to the Province of Nova Scotia. Stewart called attention to the Message, and asked that it be referred to a Committee with instructions to enquire into the necessity of abolishing all the unnecessary oaths required to be taken on entering Parliament or on the acceptance of office. Uniacke opposed this motion which does not appear to have passed.

During the previous session the Judges of the Supreme Court memorialized the Legislature on the inadequacy of their salaries with no favourable result. At the present session the matter was again brought to the attention of the House of Assembly by a message from the acting Administrator of the Government transmitting the memorial, with reasons in its favour. The proposition to increase their salaries was bitterly opposed in the House by all the Members except the lawyers, and at that time much prejudice existed in the Province against the legal profession. Stewart spoke with no uncertain sound on that occasion. He made the closing speech, and replied with great warmth to the arguments against the application. He warmly defended the claims of the Judges, and the conduct of the legal profession. He said if lawyers had been found advocating unpopular measures they did it manfully, and openly. Some of the measures which they had been blamed for advocating, such as the Inferior Court, had been found to be beneficial, and had been so acknowledged by their opponents. He reprobated the policy which would desire that private funds should be drawn on to support the institutions of the country. He denied that any taxes were levied on the Province except County rates. There were many reasons why institutions under a Monarchy should be on a larger scale than those under a Republic. He assumed it to be the desire of his constituents that the Judges should be paid according to their just claims, and he declared that he would no longer represent them if they instructed him

to say otherwise. He approved of the suggestion that the Supreme Court should not be held more than once a year in the country, now that the Inferior Courts were established, and concluded by enjoining the House on account of the justness of the claim before them, on account of the high character of the claimants, and on account of the recommendation of the President to give the matter full consideration. The House, however, turned a deaf ear to all such arguments, and refused to refer the memorial to the Committee.

It was in the session of 1830 that the "Brandy question," so famed in the annals of the Province, caused the greatest contest which had yet taken place between the House of Assembly and the Council. A serious loss to the Revenue resulted from the action of the Council. It has, however, given to later generations a very excellent picture of our House of Assembly at that date, and the stuff our forefathers were made of. Eloquent speeches were made by the leading members of the House evincing very accurate knowledge of their constitutional rights, and more, their unflinching determination to stand by them. No one was more eloquent or more practical than Stewart. The dispute as is well known arose out of the refusal of the Council to agree to the imposition of an increased duty of 4c per gallon on brandy which the House had imposed. The day after the rejection, the existing revenue Bill expired and the Customs authorities were thus unable to collect any duties on brandy imported. Stewart immediately introduced a new revenue bill in the place of the one rejected, on which the discussion arose. After John Young, and S. G. W. Archibald had spoken with great force, and ability Stewart rose, and delivered one of the ablest speeches made on the subject. The following interesting account of what he said and the impression made on the public is taken from the "Reminiscences of our Native Land" published in the Acadian Recorder.:

There was certainly no room for doubt as to the views entertained by Mr. Stewart on the action of His Majesty's Council

in dealing with the revenue bill. Others, said he, might do as they pleased, but he would not barter the birthright of those who sent him to the house for a mess of pottage. In entering upon a close argument of the question, the hon. member asked: What is the contest between the house and the council? It was simply: shall the people tax themselves as Englishmen did, or shall nine persons appointed by the King tax them? That was the question. It had been accidentally discovered that the province had lost £2,700 by a mistake in the law of 1826, which imposed a duty on foreign brandy, gin and cordials. The legislature intended that 2s. 6d. should be paid, but in consequence of the error only 2s. had been collected. In the exercise of their privilege, the house had simply rectified that error. Even if that had not been necessary, provided the house thought fit to increase the duty on brandy, it was clearly within their right to do so. The council, on the other hand, said that the house must take such a tax as they proposed or none. The place had thus been reached where the house should make the stand. The evil must be stopped at the threshold. It should not be permitted to enter the doors of the people. It was a fundamental principle of British liberty, consecrated by the wisdom of ages, that a British subject's property could only be divested from him by his own act or the act of his representative, freely chosen by the people. If the house violated the trust reposed in them, their constituents could turn them out of their trust. But they could not turn out of office those whose situations were dependent upon the Crown. Who would wish to see the power of taxing the people vested in any twelve men, appointed by the King, however high, worthy and respectable they might be? Words need not be wasted in this matter. The right of taxing the people belonged to the people themselves, and he, Mr. Stewart, for one, would not surrender that right to His Majesty's council. It was a right so inherent in a free British subject that if His Majesty's royal instructions—if an act of the British parliament provided otherwise, if it had been waived, surrendered, or abandoned by those who had preceded the present house, he would regard neither mandate of Majesty, nor the provisions of the parliament, nor the

concessions of former houses of assembly. The right was inalienable and could not be abandoned. It was inherent and could not be divested. The representatives of the people were but their trustees in this matter. Their power was limited—they had been given no authority to grant or to sell their rights. Civil liberty had been found to depend upon political freedom. It was the bulwark which surrounded, guarded and defended it. The right of granting aid by the subject to His Majesty was the foundation, the pillar, the buttress of political liberty. Precedents in English history could be quoted to show where the Commons of England—the poor Commons, as they called themselves—besought the Lords to furnish them with a half dozen discreet peers to assist their ignorance. But what would the Commons of England say, at this day, if that precedent were cited for their guidance? In Nova Scotia, many years ago, the governor expelled a member from the house, but what would the house now say if such a power were attempted to be exercised? Precedents could be shown where the Assembly of Nova Scotia, in the good old times, requested the council to assist in framing revenue bills, but were they worth a single farthing? At this crisis the house were brought back to principle. The money of the subject was his own. When it was given, he gave it. It was produced by the sweat of his brow. It was the produce of his honest industry. It was his own. It was a matter, said Mr. Stewart, both of apt illustration of his argument and singular to observe how, from time to time, the Commons of England resorted to the principle when they saw anything in the progress of their deliberations which had the remotest tendency to injure or abridge their right of taxing themselves. The hon. member read from Hatsell: "It might be admitted that the Commons did not always insist with the same precision and exactness as they have done of late years upon their privilege that the lords should make no amendments to bills of supply." There were a number of instances, particularly before the revolution, where the lords made amendments to bills of that nature, to which amendments the commons did agree. Yet at that period they appeared to have been maintaining the principle that all bills of aid and supply or charge upon the people

should begin with them, and that the lords should not commence any proceeding that might impose burdens among the people. But they soon found that under the pretence of making amendments to bills originating in the commons the lords inserted matter which had the appearance of trenching upon the privileges of the people, so that after several discussions and conferences the commons found themselves obliged to lay down the rule more largely, and to resolve that in all aid given to the King by the commons, the rate or tax ought not to be altered by the lords. Within a very few years after 1678 the doctrine was carried still further, and the commons refused to agree with the lords in some amendments which they had made and which related to the distribution of forfeitures. At length, on the 3rd of July, 1678, they came to the resolution that all aids to His Majesty in parliament, were the sole gift of the commons, and all bills for the granting of any such aids and supplies ought to begin with the commons, and that it was the undoubted and sole right of the commons to direct, limit and appoint in such bills the ends, purposes, considerations, conditions, limitations and qualifications, which ought not to be changed or altered by the house of lords. It was thus observable that the commons never lost sight of the principle. In Nova Scotia frequent conferences had been held by the house with the council in matters of revenue, and friendly suggestions had been received from the latter which had sometimes been acted upon and, at other times, had not been accepted. But were His Majesty's council now to contend that, although they could not directly amend a money bill, yet that in conference or by message—for the council had resorted to both—they should say that unless the house imposed upon their constituents just such burthens as they thought they were able to bear, notwithstanding that they had already informed them that they would not alter their bill, they should have no revenue at all? What was that but amending a money bill in a more odious manner than if the amendments had been tacked to the bill and sent to the house, as amendments to other bills were. It had been said that the house should wait until the people themselves complained that their rights had been infringed. For what purpose,

Mr. Stewart asked, were the members sent to the house? Clearly to act as sentinels, to guard the outworks and to be the first to meet and avert impending dangers.

The member for Cumberland, at this stage of his argument, entered into a most exhaustive review of the action, at various periods, of the British house of commons in their contentions, on the vital subject of granting supplies, with the house of lords, quoting largely from the records of the former body. In the course of his reading he was interrupted by Mr. Hartshorne, the member for Halifax, who asked him to read from the journals of the lords. Mr. Stewart replied that when he was contending for the rights of the commons of Nova Scotia, he preferred to search among the commons of England for his precedents; but what would the journals of the lords prove? Simply that hundreds of years ago they contended for the right of interfering with the money of the people, and that they had virtually abandoned it for a century past. Mr. Stewart then took care to explain that he did not deny the right of His Majesty's council to reject a money bill, but the manner in which they had now exercised it would divest the people of the right of taxing themselves, if the house did not stoutly resist them in their policy. So cautious were the commons of England in this matter that they would not vote the supplies for the great public services of England but for the period of a year. The navy, army, ordnance and miscellaneous services had been called "the title deeds of the commons' annual sessions." And here Mr. Stewart took occasion to advert to the pernicious effects which that statute of the Imperial parliament that had called forth so much laudation in the colonies, would have upon the independence of the Colonial legislatures. By the operation of the 6th, Geo. 4, cap. 114, an annual permanent revenue was paid into the treasury of this province. The public service did not, as formerly, depend upon the supplies annually voted by the house. He had always viewed that statute with regret. In the first session in which he took a seat in the house he unreservedly declared his opinion of it. It might reasonably be doubted whether, consistently with the opinion of the

constitution, any part of the revenue collected under its provisions could be applied to any uses or purposes fixed by the legislature subsequently to the passing of the statute in question.

In concluding his remarks, Mr. Stewart hoped that the impending danger to the rights and utility of the house might yet be averted. For his part he had endeavored to show that the members were justified by the principles of the British constitution in the course they had, so far, pursued. He had anxiously sought for some mode of terminating the differences between the two houses without abandoning those rights of which he was one of the guardians, but he had discovered none. The character of the people of Nova Scotia was greatly misunderstood if it was suspected, in any quarter, that they would barter their rights, either civil or religious, for money. As for dissolution of the Assembly—that threat to him was like the passing breeze. He had always been ready to resign whenever his constituents desired it. To him it had ever been a seat of labor and anxiety, and now it had become by no means an enviable office. If a dissolution took place, the people could, if they thought their representatives had done wrong, reject them at the polls. But, speaking for himself, he desired simply to say that when he was invested with his present trust he pledged himself not to betray the rights of his constituents. The right of taxing themselves was the foundation of all the other rights of the people, and if they were to be sold he, at all events, would not be a party to the contract.

The following extract from the same writer gives in very apt language the character of the House and the outside opinion of Stewart's abilities.

It was the remark at the period—1830—that the capacity and intellect of a legislative body could only be judged by its acts and its speeches. The acts of the house of Assembly—elected in 1827—showed that it was in nothing inferior to any house that had preceded it. At no period of the political history of

the province, from the days of Barclay, Blowers, the first Wilkins and others of that class—when a number of men, educated in other countries, were thrown by the circumstances of the times into the assembly—had there been a house that could compare with that of 1830 in those qualities which were essential to public discussion, and which gave to a legislative body its richest charm and its highest elevation. No one of the previous assemblies had furnished such brilliant debates as the Custom House matter, the Quit Rent, the Catholic petition or the Revenue question had called forth. The fact was that the speeches on all those questions had been copied into the newspapers of the neighboring colonies with warm but well-merited commendation. It was equally a fact that thirty thousand copies of some of the speeches upon the Catholic petition had been circulated by the English Catholics all over the Kingdom. These were unmistakable evidences pointing to the advancement which Nova Scotia had made in the science of government and in the love of civil liberty. Strangers—even distinguished members of the British senate, had listened to some of the leading debaters in the house, with an attention as flattering as it was expressive, and had, on various occasions, declared their gratification at the high order of intellect by which the sessions of the legislature were frequently swayed.

The debate on the brandy question, in the treatment of all its features, was not confined, so far as the denunciation of the conduct of the council was concerned, to John Young and S. G. W. Archibald. Alexander Stewart followed the learned Speaker, and Beamish Murdoch also took a leading hand in. The "chief among them taking notes" who was attached to the "Club" kept that institution well posted as to what all the debaters had said, and the effect that Stewart's speech had upon the public mind may be fairly gauged by the manner in which the astute members of the "Club" applauded the sentiments of the eloquent member from Cumberland. All the old chaps, it was represented, were seated around the festive table. Having filled a glass, Haliday rose and said:

HALIDAY.—Extraordinary occasions, they say, bring out extraordinary talents, and therefore, as this is a sort of jubilee, we must not adhere to our old fashion of sipping our beverage, as old maids sip their tea, but must fire away while there is a shot in the locker. Fill again, my hearties, and never doubt that our CAPACITIES will enlarge with the necessities of this great occasion.

MERLIN.—Faith will we, my boy, for hurraing dries up the throat sadly.

HALIDAY.—A bumper for my friend STEWART, who, on this question, also ably supported the cause of the country, advocating the rights of the house with his usual command of words and more than his usual command of temper. Allow me to bring him before the notice of this "Club," and say to him in its name, as the House of Lords said to Lord Peterborough, that he stands in our regard as a person of great worth.

OMNES.—Stewart's health—Hip—hip—hurrah!

MERLIN.—Frae what part o' the kintra does Stewart come? By his name I should judge he was o'Scottish extraction. The bodie is too plump to be a descendant o' the family of the Pretender; but he may hae sprung frae the Stewarts o' Clackeasy.

HALIDAY.—Stewart represents the county of Cumberland, which joins the province of New Brunswick, and if he has sprung from any Scotch clan, it must have been one upon the border; for in his professional capacity he makes a practice of plundering on both sides of the line. Now you see him laboring away in the Court at Amherst or the River Philip, fighting for sheep, cows and black cattle like a regular descendant of Clackeasy; and anon he is to be found pleading causes in the courts at Dorchester or Frederiction, or stealing across the line with his pocket well-lined with the produce of his professional toils.

Among those who defended the action of the Council were Richard John Uniacke, Jr. It is only referred to here because

of a reference made to Stewart. He said, "I have heard it said by the Hon. gentleman for Cumberland, that sooner or later there must be a rupture with his Majesty's Council, and we had better come to it at once. What is meant, or intended by language like that? I see no reason why we should have such a rupture as I fear, right or wrong, some persons are bent on having it. I have no desire to bring it on; but, Sir, when I hear of such sentiments, I take it for granted that there is some secret motive operating to which everything that is valuable must yield. I will not attempt to draw the curtain aside, Sir, and expose the feelings by which such expressions are produced." Stewart made no reply to this insinuation, and it may be inferred there was some truth in the suggestion that he was pressing his views that the Council must be reformed.

The bill introduced by Stewart was passed by an overwhelming vote, and transmitted to the Council for concurrence and by the Council promptly rejected.

The matter was not allowed to drop. After a very able discussion of constitutional rights in which Archibald, Murdoch and others spoke in defence of the action of the House and Uniacke for the Council the Message of the Council was submitted to a Committee of the House, of which Stewart was made Chairman, to make a report, which they did, and in no halting terms declared for the undoubted authority of the House in such matters.

A second Message was sent to the House by the Council defending their conduct, and reflecting on certain statements made by Mr. Archibald in the course of his speech. This action of the Council added fuel to the flame. Stewart, then in an able and dignified speech addressed the House, and said: "As the subject before the House is one of very great importance I trust it will be considered with that moderation which is necessary to a cool, and wise decision. In all that we have yet done in reference to this important dispute, the conduct of a majority of the house has been marked by moderation, and firmness. I

trust that our language, and our measures will be so distinguished to the close. The message before us it appears to me may be divided into three parts, and I shall proceed to examine the first of these which relates to the charge against the honorable, and learned speaker (Mr. Archibald), and here let me observe that the debates of this house are published. Our deliberations go on under the eyes of our constituents, and as the remarks of gentlemen on the one side are replied to by gentlemen on the other the bane and the antidote invariably go together. Our discussions are carried by the instrumentality of the press to every corner of the Province, and whenever assertions are made affecting the conduct of public men, or public bodies, the answers to those charges are also spread abroad, and the public are thus put in possession of the materials for the formation of a correct decision. If the charges are false and can be refuted, no injury is done; if they are true, the conduct of the accuser is justified, and the country is made acquainted with matters in which it has an essential interest. Therefore, I contend that if the hon. and learned Speaker made the remarks which his Majesty's Council find reported in the public journals his speech received the fullest answer it was possible to make. All that the Opposition could say was said, and if his argument and his language were neither satisfactorily gainsaid, nor repelled, it was I presume because they were unanswerable. The same remarks may apply to the case of the hon. member for Windsor. Mr. Dill has partly admitted in his place that his remarks may have been reported with a little more force, and pungency than he was conscious of employing in the debate, but he tells you that the charges he made were founded upon the communication made by the Collector of Excise to an hon. member of the house, and can easily be contradicted if they are untrue. It appears that a commercial house of which the hon. Enos Collins is a member did on the morning after the expiration of the revenue law, withdraw a considerable quantity of brandy from the warehouse. I will not say that Mr. Collins was privy to the transaction—of course I presume he was not, but as he is a sharer in the profits of the

concern I must say that it is for him a very unfortunate circumstance, for as Caesar said of his wife, the conduct of a man placed in so elevated a situation ought to be above suspicion, and therefore it would have been better for him to have paid the duties, than to have left himself open to such attacks.

I will now turn the attention of the house to what has been the course pursued in England in cases similar to that which we are now about to consider. And here I may remark that I cannot find a single instance where the Lords made such a charge against the Speaker of the House of Commons, as is to be found in the Message under our consideration. On the contrary I find that when Sir Phillip Francis made a most severe attack upon the conduct of certain lords—not a gross, and ungentlemanly but a most cutting attack, it was passed over without notice, so with the attack made by Mr. Brougham upon the House of Peers. He said that although it was the daily practice of the established church to pray that the Lord would endow the peers with grace, wisdom, and understanding, yet he was sorry their prayers were never heard, for by their acts they appeared to possess neither. But no message was sent to the Commons—no resolution that they would be justified in doing no more business was adopted. The charge was not even taken notice of by the Lords. But his Majesty's Council have not only called the attention of this House to the language used by its members, but they have decided upon it—they have called it gross, and scandalous, nor do they stop here, for in the very same paper in which they call upon us to punish our own members for attacking them, they call our acts in passing the revenue bills oppressive and unjust. (Here Mr. Stewart turned to the message and commented upon the different clauses) Sir, I will ask if in the Revenue Bills which we have twice sent up there is anything to warrant such language? Is there any oppressive tax in those bills? Have we laid any duty which can be called unjust? And yet we are distinctly charged with injustice and oppression. Our right has never been questioned to originate

revenue bills, and therefore the language of this message is a direct breach of our privileges, for the Council say in plain terms that unless the house originate, and pass just such a bill as they approve, they will not pass it. (Here Mr. Stewart again turned to the message, reading part of it, and commenting upon it). The Council say that the most youthful lawyer knows the language in which the King refuses his assent to a bill of supply. Now with all due deference to the wisdom and learning of His Majesty's Council I will say that although we know the language in which the assent of the Crown is given to a money bill, not a single instance is to be found on record where a bill of supply was refused. Now Sir, let me turn your attention to the peculiar wording of that part of the Message which relates to my hon. friend for the town of Windsor. "A Mr. Dill" is the phrase used to point out the unfortunate offender. It is a trifle Sir, but trifles serve to show the play of men's feelings, the operations of their minds, and when I remember that on a former occasion where an honorable member of this house chanced to incur the displeasure of the Council he was styled Thomas C. Halliburton, Esq., in the message which conveyed the complaint. I cannot but regret that on this occasion they have not thought it expedient to use the same courteous and decorous language. I think if we were to say "A Mr. Collins" in any message which we might have occasion to send up that it would scarcely be pleasing to the honorable body of which he happens to be a member.

With your permission, Sir, I will now turn the attention of the Committee to what took place in the House of Lords on the 14th May, 1861 (Mr. Stewart here cited the case of Lord Peterborough in the House of Lords, when that House refused on complaint of Lord Peterborough of words spoken in the House of Commons by Mr. Tate to take any cognizance of it, but contented themselves with a declaration that Lord Peterborough stood well in the opinion of the House). After dwelling on the different bearings of this case, Mr. Stewart observed that he thought it would be better for His Majesty's Council to direct the President to say to Mr. Collins, as the House of Lords had said to Lord

Peterborough, "that he stands in the good opinion of that body as a person of great worth, and honor, notwithstanding what had been said of him by "A Mr. Dill." Sir, if the freedom of debate is to be curtailed in this house, if members here are to be tied up to particular forms of expression, if in the heat of debate they are to be restrained from the utterance of what concerns the interests of the Province for fear of offending the delicate sensibilities of some member of his Majesty's Council, there is an end to our boasted privilege of freedom of speech—an end to the usefulness of public discussion. There has not been an instance of such interference in Great Britain for one hundred years. The lords repose upon the general character of their proceedings, and wisely trust to the wholesome operation of public opinion. The last case I can discover occurred 130 year ago. But, Sir, to say the least of the removal of the brandy by the house of E. Collins & Co., it was very unfortunate. I will not weary the house with further remarks, because I consider it unnecessary, for even if we were disposed to consider the charges which are made in this message against the honorable Speaker, and the honorable gentleman from Windsor, other parts of it are so objectionable—so unparliamentary, and so insulting that we should degrade ourselves in the eyes of the country, and the world, if we were to give it any other answer than that which is contained in the resolution which I hold in my hand. We are told distinctly that unless we pass such a bill as they require, it will not be assented to, and our own acts are declared to be oppressive, and unjust. Surely such language ought not to have been used in a document complaining of the license used by honorable members. They tell us that they will only agree to such a bill, ere we have any before us. I am aware that in a former case a different course was pursued from that which I am about to propose, but although I acted with the house on the former occasion, and although I disapproved of the language used by that honorable member I sincerely regret those proceedings, and I trust they will never be drawn into a precedent, because if they were, they would have a tendency to abridge, if they did

not altogether destroy the freedom of debate." He closed his address by moving the following resolution which was seconded by Beamish Murdoch—Resolved that though this House is and always will be desirous to uphold the dignity and respectability of His Majesty's Council, and on all proper occasions take such order as may be requisite thereon, on application to this house respecting the same, nevertheless the opinion passed by His Majesty's Council upon the proceedings of the house in their resolutions of the 7th inst., and the uncourteous terms in which those opinions are expressed, preclude this house from taking the subject matter of those resolutions into consideration."

This resolution led to sharp debate in which several members took part, and among others Mr. Bary who had been expelled in the previous session. He attacked Stewart vigorously, and among other things said, "If there is one seat more honorable than another, it is that which I occupy (a roar of laughter) I hear the hoarse laughter of the hon. member for Cumberland. Let me tell that gentleman that I care as little for him as he says he does for the despatches from his Majesty's Council."

These remarks are only quoted as showing that Stewart seemed to be recognized at that period as one of the determined opponents of the Old Council of Twelve with its closed doors. Stewart of course replied trenchantly but it is not of sufficient interest to reproduce here.

Richard J. Uniacke then took the floor, and made a very strong speech in favour of the Council, and in course of it fell foul of what Stewart had said, and moved an amendment. This called for a reply from Stewart which was given with no bated breath. "He regretted that the minority had again created so much heat in the discussion. I endeavoured, continued Mr. Stewart, to introduce the subject to the house with perfect coolness, and I trust the manly determination which has distinguished the majority from the commencement of this dispute will bring us to a useful, and honorable result. We, Sir, as well as His Majesty's

Council I trust have consciences, but liberty of speech, Sir, is the gift of God, and let us not tamely resign it. When the Hon. gentleman for Cape Breton (Mr. Uniacke) says he had heard me speak of the charges given upon the hustings, I will repeat again that when the hardy yeomen of my County grasped my hand at my election, the most impressive charge they gave was to defend, and foster their rights and I am not at all afraid that they will censure me for my conduct on this occasion. Another charge has been made against me that I was in the Speaker's chamber as a member of the Committee preparing the report. This is a charge to which I willingly plead guilty, and in a crisis like this I am willing to give my labor either by night or by day to the good of my country. I have brought this message under the consideration of the house without heat or temper and I do not wish or intend to give it the go by. I talk not of His Majesty's Council as a private individual, but as a public body, as a branch of the legislature. Much has been said about gentlemen making apologies, but let me tell members that there is a mode of asking an apology so offensive as to preclude compliance with the demand. Shall we then refer to a Committee to say whether the Speaker shall be censured? The hon. gentleman for Cape Breton tells me that precedents are in his favor, but I have searched for precedents, and can find none to justify this extraordinary attack upon the head of this house. Liberty of Speech, Sir, is part of the inheritance of freemen, and we ought to be careful how we allow it to be curtailed."

Stewart's resolution was carried by 33 to 3, Uniacke, Harts-horn and Bary composing the minority.

The last move at this session on this important question was again made by Stewart, who offered the following resolution which was duly passed;

"Resolved, that the payment of any sum of money whatever out of any other branch of the Provincial revenue which shall not have been sanctioned by an appropriation Act passed in

the usual form or by some other statute of the General Assembly, of this Province will not be made good by this house but this house will consider such payment as a breach of duty on the part of all persons concerned therein, and will hold them civilly responsible for the amount of any such payment."

The Council after this in reply to a request of the house to send down all such votes and resolutions as were still standing as the house was desirous to complete the Appropriation Bill, answered, "That no message could be received from the House of Assembly." Before any further action could be taken His Honor the Administrator of the Government summoned the Members to the Council Chamber, and prorogued the House in a speech which reflected the opinion of the Council.

In consequence of the death of the King George IV. on the 26th June, 1830, the House of Assembly was dissolved, and writs for a new election were issued. Stewart, with his colleague Joseph Oxley, was again returned for the County of Cumberland with an overwhelming majority, as were all who had fought on the same side.

The house was called together for business on the 8th November, when Archibald was unanimously elected Speaker. The Brandy question at once commanded its attention. It was placed in the hands of Stewart to bring the question before the new House. In the Committee of Ways and Means he submitted a resolution that a duty be imposed on Brandy practically the same as in the rejected bill at the previous session. A great debate then ensued in which the leading speakers on both sides expressed their sentiments, and it soon became apparent that the Council had gained little by the dissolution. Stewart took a very leading part in this discussion, and was severely assailed by the champions of the Council as a disturber of the peace which had hitherto reigned throughout the Province. Stewart, however, met his antagonists with unflinching determination. When it was argued that the Council would again reject the bill, among

other things he said, "Sir, I have endeavoured, and so far as lies in my power I shall still endeavour to avoid a rupture with the other branch, but will he tell the Committee, Sir, that we who are a new house, who came here ignorant of, and unbound by previous Acts of former Assemblies cannot impose a four penny duty upon an article for fear it may give offence to some other branch of the government? If we are a new house, the Council as regards us, are a new house and neither have anything to do with former differences and contentions. We are to lay such duties as from a view of our wants and resources we think necessary to raise a revenue, and in my conscience I believe that the article of Brandy can fairly bear, and ought to bear the duty I have named. I am here, Sir, as a free and unbiased representative of the people to give my opinion according to my best judgment. That opinion I have given upon this matter, and I should like to know what is there in my sentiments, or my conduct to justify the remarks which have been made? There is no quarrel between the two branches and I trust too there will be none. I will not anticipate a continuance of the evils which the country has already suffered. I will not for a moment believe, although I hear it whispered about by those who may be in the confidence of the Council. I cannot believe Sir that a bill framed by this house for the purpose of raising a revenue, upon due deliberation, and from a full view of our wants, and resources,—a bill which oppresses no man, and which lays the taxes fairly, will be rejected upon any punctilio that the Council are bound to follow up with this Assembly—any differences which it may have had with former houses.

Mr. Bliss, afterwards Judge Bliss, who had been returned for Hants County, took up the Council's side and replied to Stewart who in answer to the argument asks what the Council would do again said, "But, Sir, is not this absurd? Are we not as regards each other, new branches of a new legislature, and are we to refer back, and revive differences in which perhaps warm feelings were excited on both sides, but which no longer exist. We are here assembled to determine what duties ought to be imposed. Here

no stand has been taken, and, Sir, I cannot, and will not believe that for so trifling a matter as this, the Councils of this hitherto quiet, and happy Province will be again disturbed. But if that is to be the case, we should now weigh the subject calmly, and make up our minds to adhere to such duties as we may see fit to impose." Mr. C. Fairbanks to the surprise of many then came out in favour of the Council, and attacked Stewart, and the resolution he had prepared. To the old argument of what the Council would do Stewart in answer to Fairbanks said, "Are we to be controlled in this way, Sir? Are we to be told that we are to suspect, to imagine what are the opinions of another branch, and conform our legislation to those opinions, instead of making it expressive of our own? Are we before we determine on a measure to cast about, to ascertain whether or not it will be agreed to? But, Sir, have we been at all disposed to send the same bill back to the Council, as some gentlemen were apprehensive we did intend to do? Have we not struck off the duties on some articles and reduced all the duties upon the necessities of life? I, Sir, disclaim all intention of disturbing the country, but I conceive I am bound to do my duty as a member of the Assembly without reference to any other body."—And later he says, "But the house would not be alarmed or disturbed by the forebodings of the hon. and learned gentleman—it was highly improper to endeavour to terrify members by threatening them with the probable rejection of the bill. He regretted the injury the Province had sustained but he must tell the hon. and learned member who had condemned the conduct of the last house in a manner so uncalled for, and so unceremoniously that he would rather see the Province suffer tenfold that injury than that the Council should obtain what they had contended for, a right to interfere with the taxation of the people. Should this ever happen a seat in that house would be of little value or utility. He had hitherto avoided as much as possible any recurrence to past events, but after what has been said on the subject of them by the honorable gentleman, justice to himself obliged him to state that his constituents had approved of his conduct. He

feared not their censure, while he contended for their rights. They wished conciliation not degradation. They desired to possess the liberties of Englishmen. Was it by following a course dictated by fear that they had become respected throughout the world? It was not by following such counsels as those of the learned gentleman. His desire was to see peace restored, but he was not willing to pay so high a price in its purchase as had been proposed by the hon. and learned gentleman."

This matter having been disposed by the adoption of Stewart's resolution he proceeded further in the same direction. As stated by the writer of the Reminiscences, "Following up the principles of Responsible Government which he had so fearlessly advocated on the hustings, and on the floors of the House of Assembly, Alexander Stewart moved a resolution for the appointment of Committee to prepare an address to His Majesty requesting that he would be pleased to declare his Royal will and pleasure on the bill for providing for the Custom House established in this Province. Mr. Bliss (and Mr. DeBlois for the town of Halifax) was opposed to this motion, which however was carried by a vote of 22 to 10. Stewart in replying said, "he regretted that the hon. gentleman for the town of Halifax was so sensitive when there was not the slightest occasion. He should like to know when those attempts at improper legislation had been made? Could the hon. gentleman point out an instance? He had moved the address because by having the bill assented to, the saving would be very great, and besides the Custom House Officials would be obliged to furnish quarterly accounts to the house, whereas under the existing condition, these were only obtained by an enquiry through the Executive, and were paid for by a separate vote. Another important consequence which would result to the trade of the country would be that duties could then be paid into the Custom House in the currency of the Province, instead of gold and silver at rates that were in some measure oppressive.

The result of the dispute on the Brandy question was that the Council quietly accepted the bill passed by the House, and

thus terminated the unseemly dispute in which the House of Assembly led by Stewart firmly vindicated their rights against the encroachment of the Council. It is difficult to understand how even in such a superficial compilation as the so called "Campbell's History of Nova Scotia" Stewart's name is not mentioned as taking any part in this important contest, while the names of others with their speeches in some instances are given in full.

In the next session Stewart is found active, and prominent in attacking another monopoly. The only bank then in existence was The Halifax Banking Co., a private partnership, of which Mr. Cogswell, and Mr. Collins were the chief members. These two gentlemen with other shareholders were members of the Old Council of Twelve. It was found that this Bank was using its powers most oppressively, and a movement was made to incorporate another Bank—the Bank of Nova Scotia. The Council and their friends in the House of Assembly bitterly opposed the establishment of another Bank. Stewart, it appears had subscribed for stock in the new Bank, but when the opposition arose he withdrew his name so that he might advocate the cause. Stephen DeBlois, a member of the town, was a zealous friend of the old bank, and he resolutely stood in the way of the progress of the Measure. "But at each step," says the editor of the Reminiscences, "he was adroitly pushed aside by Alex. Stewart, who at the outset declared that the bill was of great importance to the Province, and even to the very existence of the House as a free legislative body. He had no hesitation in saying that there was a despotic influence exercised over the country, and that the sooner the bill was adopted, the better. To avoid all appearance of interest biasing his judgment Mr. Stewart informed the house that he had withdrawn his name from the subscription list where it had been down to the extent of £1000—he had therefore nothing to do with the speculation and intended to keep out of it."

The following extracts from the Reminiscences describe the subsequent course of matters:

The two leading members of the house of assembly—the most experienced parliamentarians at least—Alexander Stewart and John Young, sparred, one with the other, very dexterously over the bill to grant a charter to the Bank of Nova Scotia. The latter, however, was somewhat provoking in his movements—so much so in fact that Mr. Stewart was tempted almost to go outside the severely legitimate practice of the assembly, in meeting the peculiar method of attack that, in the treatment of this matter, characterised his opponent's conduct. Mr. Young, whose policy of silence at the outset, had called forth a satirical remark from Mr. Stewart, took the ground that the outline marked by the bill was an unsafe course to pursue. The track of the English and Scotch banks, in his opinion, the only safe one to follow, and in alluding to the Scotch banks he declared that in case of mismanagement of directors the stockholders were liable to pay. In consequence of the many failures of banks in the United States between 1820 and 1826, the plan of the Scotch banks had been, in a great measure, adopted in that country. The house, it was evident, was being impressed to a considerable extent by this ingenious suggestion of a safeguard that carried with it so much of security to the depositor, and the advisability of its adoption, in respect to the proposed charter, was considered not unreasonable in view of the fact that a painful experience elsewhere had made it necessary that the liability of the shareholder should be so exhaustive. The fact was that Mr. Young had caught the ear of the house, and it was plain to the advocates of the measure that if the strong feature he had so adroitly introduced was permitted to be embodied into the charter, the Bank of Nova Scotia would have to postpone its opening until a more convenient season. Private banks—Mr. Young drove home his safeguard suggestion by declaring—were bound to make good all loss, no matter from what cause, so far as their property extended, but according to the bill to incorporate the new bank the directors and shareholders were, to a great extent, irresponsible. Its principle in that respect differed from any other bank of the kind.

The member for Cumberland, and the member for Sydney, had, up to this time, usually worked together in the house in the promotion of those measures that had, within them, the elements of reform—of progression, but in the matter of the new bank, they evidently viewed matters from different standpoints. Mr. Stewart said that Mr. Young, in his opposition, seemed to be directly against the principle of charters although he declared that he was not hostile to them. He seemed to entertain the view that the measure differed from all others respecting irresponsibility, while the fact was that the New Brunswick bank was precisely of a similar character. It was a matter greatly to be desired that the opposition of Mr. Young could be clearly understood. He seemed to be bent on keeping the house in the dark. The friends of the new bank could easily understand the open opposers of the measure and the advocates of the Halifax banking company, but they could not understand the intentions of the hon. member for Sydney. Mr. Young replied with much warmth to the incisive observations of his quondam friend. He had never thought of opposing the principle of incorporation. It was good if properly guarded. The case of the New Brunswick bill might or might not be as had been stated, but were there, he asked, no other clauses in it which checked and guarded mismanagement? Mr. Young then referred to a pamphlet for a bill regulating a bank in the state of New York, which stated that shareholders should be responsible for loss occasioned by directors, and, in his judgment, it was only fair that they should for they had the sole choice of them. This reference—now made for the second time—to the extent of the liability of the shareholders of the chartered banks of other countries, gave Mr. Stewart the opportunity that he had been eagerly waiting for. He rose in his place and then—to quote from our reporter's notes—the debate took this turn:

I consider it my duty both to oppose and expose fallacious arguments. Public characters belong to the public, and by severe tests alone are men tried. I now call on the member for Sydney to read the WHOLE of the passage which alludes to the New York bank.

Mr. Young proceeded to read the passage: "the holders of stock at the time of mismanagement shall make good any loss."

Mr. Stewart—Read on.

Mr. Young (reading) "provided that no one shall pay more than the amount of stock held by him at the time." (Much laughter).

Mr. Stewart: the house has now had the satisfaction of having heard the whole of the article on this point. As first read, it appeared that stockholders were held liable to the extent of their property, whereas what followed showed that they were only liable to the amount of shares held.

The new bank had yet to pass through a more trying ordeal. It had to face His Majesty's Council. It had to go before a board which James B. Uniacke said, in the course of the debate in the assembly, differed little except in the colour or form of their table from the Halifax banking board. Supported, however, by a very substantial majority of the lower house, it was sent up to the Council, but when it came out of that chamber it bore the marks of a somewhat severe handling. It was not permitted to any body to know by whose particular hands the bill had—in the eyes of the promotors—been disfigured, because no stranger was allowed behind the screens except Joseph, the messenger, who put the coals on the grate to keep the "old women," as Sam Slick irreverently called the council of Twelve, warm. The house was informed simply that His Majesty's Council had passed the Nova Scotia bank bill with AMENDMENTS. The house, of course, got its "dander up" at once, and as it was more than suspected that "the cute man," Hezekiah Cogswell, the president of the Halifax banking company, had been the skilled artizan that had undertaken to give the bill another shape from that in which it had been moulded by the house, it was moved that a committee be appointed to search the journals of His Majesty's Council for the purpose of finding out some particulars in regard to the treatment of the bill. Mr. Bliss was entrusted

with this mission, and he went to ‘‘beard the lion with apparent alacrity. John Young and Alex. Stewart were not eager for the duty. He returned to the house with the bland-like announcement that it appeared that perfect unanimity prevailed on the subject of the bank bill in His Majesty’s Council, and that there had been a full attendance of members, and no division had taken place on any of the amendments. He said nothing more. But Mr. Young and Mr. Stewart were not—viewing their own personal interests—quite so discreet. They both “pitched in” without any circumlocution. Mr. Young remarked on the evil tendency of His Majesty’s Council deliberating with closed doors. He thought the time was near at hand when the doors of that chamber would be thrown open by the force of a righteous public opinion. Mr. Stewart stated as his opinion that the acts of that body relative to the Bank bill would tend to quickly hasten the alteration which was wanted in the constitution of that branch. He expressed himself warmly on the seemingly interested influence which was exercised by the bankers in His Majesty’s Council against the measure that had been adopted by the house after so much careful consideration. Mr. Bliss still kept a quiet tongue. And before the term of the parliament had expired, the hon. gentleman was snugly seated on the Bench of the Supreme Court; and he left Mr. Young and Mr. Stewart on the red benches to hammer away at the doors of the old council chamber.

Mr. Stewart at this period, and indeed from the time he first entered the house of assembly, was classed among the whigs. No man in the assembly was more watchful with regard to the encroachments of His Majesty’s Council and the rights of the lower house. He was punished. The SILK GOWN which, naturally, he greatly coveted, was withheld. Of Mr. Stewart it may be said in this connection, that his talents were of a high order. As a debater he was bold, impassioned, energetic, and sometimes eloquent. Imagine to yourself, reader, a man of middling stature, of an impressively intelligent countenance, and about forty years of age, and you have a tolerable idea of

Alexander Stewart, the member for Cumberland. Mr. Stewart subsequently recovered himself somewhat in the eyes of "the old women" and was selected by Sir Colon Cambpell as one of the newly-formed Legislative Council in 1837.

The question of the right of appropriating the Revenues of the Province was still agitating the public mind. It had been repeatedly before the House, and addresses passed to the King on the subject. A dispatch from the Colonial Secretary had been sent to the Assembly by the Governor in the session of 1833, making certain proposals, but these apparently were not what the House wanted. A debate took place which was opened by Stewart who moved a resolution that a Committee should be appointed to prepare an address to His Majesty setting forth the willingness of His Majesty's subjects in this Province to contribute to the utmost of their means to the support of the Government when required so to do in the manner prescribed by the British Constitution, and the usages of Parliament, and humbly praying that he would be pleased to make such an order respecting the casual and other revenues of the Province now expended without the consent of the house as would render the application of the same subject to the disposal and control of the House. The passage of this address led to a reply communicated to the House at the next session agreeing to the surrender of the whole of the revenues in exchange for a moderate civil list. The salaries which were to be paid on the civil list were brought before the House but after discussion was rejected.

The session of 1834 witnessed the first formal attack on the constitution of the Council which was begun by Stewart. He moved three resolutions dealing with the subject, the general purpose of which was first to compel the Council to open its doors to the public during its deliberations on matters affecting the Province, secondly to reform the Council by an increase of its members chosen by additions from the country, and thirdly to take away its executive power by separating the legislative from its executive functions thus forming two distinct bodies.

Nothing definite resulted from these resolutions at the time, but the seed was sown which not many years after brought about a complete change in the Provincial Constitution. The important part he played in contributing to these great constitutional reforms has never been properly appreciated by his fellow countrymen.

It was during this session too that the House of Assembly appointed Stewart as their delegate to the Colonial Secretary on the subject of Free Ports in the Province. Hitherto they had passed addresses, and appealed in vain to the Home authorities to open more ports in the Province to the trade of the world. The restricted number at which goods could then be landed, and free intercourse carried on was seriously hampering the growing trade of the Province. Stewart was now authorized to present these grievances personally, and in the Journals of the house of Assembly, Appendix No I, will be found a full and elaborate report of his efforts. From this report it appears that he was in England in the Summer of the year 1834, and that he must have returned before the session which commenced in December of that year, and continued until the month of March. His activity in the session of 1835 is simply marvellous. His name appears either as chairman or a member of all important committees appointed by the House such as the Funded Debt of the Province, the Collector of the Revenues as it affected Provincial Commerce, Sable Island, and the Light House service, Public Printing, on wilderness lands of the Province how they may be made to contribute to the Revenue, and on other subjects. In most cases the reports bear evidence of his work and influence in shaping them, and they were generally accepted by the House. Again he is found frequently one of the members appointed to hold conferences with the Council on matters where that body differed from the conclusions of the House.

In addition to these labours he appears as prominent as ever in the debates of the Assembly making his voice and vote heard and felt on all subjects of discussion, and legislation. The same

may be said of him in the previous session, from all of which it can easily be understood he had grown to be one of the most trusted, and useful members of the House. In the session of 1836 the proposal to Unite Kings and Dalhousie Colleges came up in the House of Assembly. This proposition led to very long and acrimonious debates in which Stewart took a decided stand against endowing any religious body in preference over others, and contended that Kings College had hitherto been carried on entirely in the interests of the Church of England, and in a manner inimical to other religious bodies. He pronounced himself strongly in favor of a union of the two Colleges—thus providing for one which was sufficient not only for higher education in Nova Scotia but in New Brunswick as well. The measure had been introduced very late in the session and he contended there was not time properly to deal with a question of such great importance. He moved in amendment that no action be taken until the next session, which resolution was carried, and the matter deferred.

In this speech he made a noble argument for the freedom and extension of education to all classes irrespective of their religious views, and took strong ground against a grant to Kings College, Windsor, for the exclusive benefit of the Church of England. Among other things he said, "When he beheld the Alumni of Kings College point to that long list of gentleman and scholars whose affections were riveted to that institution as their holy mother, not a syllable should escape his lips to detract from their merits. With exulting gratification he gloried in them as his countrymen, but he lamented that bigotry, which had confined these blessings to them alone, and that the sons of dissenters had not been permitted to swell the numbers of the illustrious band. He regretted that that institution had not been conducted upon more liberal principles, for then it would undoubtedly have proved more universally beneficial. Could it be denied that its unwise restrictions had brought into existence the Pictou and Horton Academies, the one at Isle Madame, and all the petty Academies which had since arisen in the Province? And it was

no manner of question that it had produced all the evils which had combined to place the Province in its present unhappy circumstances as regarded education. It was plainly evident that the Province could not support all these Academies with an additional College. Then could the House in justice to the greatest portion of the population of the Province, who depend only on the common schools for their education, continue the endowment of one College exclusively for the Established Church, and establish another without secretarian bounds? If so they were prepared to uphold these extensive institutions, and abandon all the other Academies, for it would be saying in effect that they would refuse aid to every other literary institution in the Province, and would grant nothing to any respectable body of men who asked for aid for the purposes of education.

If they were prepared in the present state of the revenue to attempt to provide for the permanent support of two Colleges, and all the Academies, then might the people of Nova Scotia well exclaim in case of failure in their funds for Common Schools, you have taken good care while legislating to provide for the children of the rich, but you have forgotten us the poor, and the education of our children. Such an Act would be but temporary—it would not stand the test of years. If members would legislate to any purpose, if they would proceed in such a manner as to render their acts conducive to the welfare of their constituents they must meet the question now before them broadly and where they did establish a scheme. it must be compatible with our free constitution, under such laws only, and so consistent with existing circumstances as would ensure the good will of the people by which only would it be rendered permanent."

The above are only a small portion of his remarks on this important subject which is of much interest at the present day, when it is again proposed that Kings and Dalhousie Colleges shall be consolidated into one Provincial University.,

Many of the predictions he then made have since been verified and the question of higher education in this Province remains in as unsatisfactory a state as in his day.

The General Election took place in 1836 when Stewart with Oxley as his colleague ran his third, and last election. They were opposed by Mr. McKim and Mr. Lewis, and after an intensely close, and bitter contest Stewart was elected by a small majority. Oxley being defeated by Lewis. As appears from the newspaper correspondence of the time the smallness of the majority which he hitherto a most popular candidate obtained, was due to a number of causes. He had removed from the County to Halifax some two years before and was as a consequence in less touch with his constituents than before. At this period too the great popular cry against returning lawyers to the legislature was in full tide. No less than thirteen lawyers had seats in the last House. McKim while a man of no prominence, and of no particular ability had traversed the County from end to end exciting the feelings of the people against him, and arousing even the religious feelings of one religious body by retailing scandalous, and untruthful stories relative to his public conduct, and sentiments. Stewart had been absent from the Province in England in the year previous, and therefore had no means of knowing or ascertaining the extent of the prejudice which had been set in motion against him. A powerful and active band of partisans led by his brother-in-law James S. Morse and Jonathan McCully then a young lawyer, strained every nerve to accomplish his defeat, and succeeded in rolling up a majority against him in the middle and western portions of the County. It was on this occasion he said to his exulting enemies "Wail until we get over Wallace Bridge" and his hopes were fulfilled by a majority which crushed them.

It was during this campaign that at the hustings he refuted the calumny that he had favoured one religious body to the prejudice of others. On being challenged he arose, and said, "I am glad of this opportunity of stating my religious principles which are, 'Equality to all, and superiority to none.'"

McKim at once petitioned against his return, and in the session of 1837 the matter was brought before the House and evidence on the part of the petitioners against his election was taken. The House was prorogued before the investigation could be completed. The evidence on behalf of Stewart was not given. A bill was then introduced by Doyle, and supported by Young and others to enable the House to take up the matter at the next session at the point it had reached. This was contrary to constitutional usage, and was protested against by Stewart, but carried by his opponents. It did not however become law being rejected on the third reading. It only served to show the virulent spirit which actuated his adversaries. In the meantime, and before the next session of the Legislature Stewart was made a member of the newly constituted Legislative Council.

It should be here explained that in the session of 1837 despatches had been received authorizing Sir Colin Campbell, Lieut Governor, to constitute two Councils, a Legislative and Executive Council, thereby separating the two functions hitherto exercised by the Council of being at once a branch of the Legislature and the Executive to advise the Governor. The new Council were announced in the Royal Gazette, January 16th, 1838, as follows:

Rt. Rev., the Lord Bishop of Nova Scotia, Simon B. Robie, Peter MacNab, James Tobin, Joseph Allison, Norman Uniacke, James W. Johnston, William Lawson, George S. Mott, Alexander Stewart, William Rudolf, Lewis M. Wilkins, James S. Morse, William Ousley, Robert M. Cutler, Alex. Campbell, James Ratchford, Joseph FitzRandolph, and W. B. Almon, M. D.

These appointments it was stated were only made provisionally. At the end of the Session they all resigned, and on the 9th March, 1838, were all reappointed with the added name of Enos Collins. These appointments were confirmed by the Home Government after the House of Assembly had passed an address complaining of the selection. Stewart as might be well imagined in the discussion on the election petition proceedings was attacked

by Young and others with a great deal of asperity. Mr. Uniacke who was leader of the government in the House in defending the recent appointments to the Legislative Council referring to some of them coming from the popular branch said: "Mr. Stewart who was taken from the House (Mr. Doyle, "And who changed his opinions",) Mr. Uniacke—" That is the very best justification in the world. Turn to your Journals, and you will find that the very best men in the Legislature have changed their opinions. But no—he was objected to because he did not change his opinions, because he would not vote for the darling bantling of the Hon. member for Halifax last session."

Young appears to have taken an active part against him in which he was joined by other members opposed to the Government. Uniacke's allusion is evidently to Howe's drastic resolutions which Stewart refused to support. The House finally decided to give the seat to McKim, although no evidence was ever received in opposition to the petition. Stewart having then no motive in going to the great expense of bringing witnesses from Cumberland to the City, the petition was decided in McKim's favour without further inquiry whether Stewart would have been unseated on a full trial of the merits, therefore remained undecided.

A very good idea of Stewart's style of oratory and the bold and independent stand he adopted when the occasion called for it may be gathered from some extracts in his speech this session.

During a discussion in the House of Assembly in February, 1837, a serious attack had been made on some of the past legislation of the late house, and a bill brought in to repeal some of the Acts which had been passed. Mr. Stewart opposed the bill in an eloquent and animated speech of considerable length, but delivered with such rapidity of elocution says the reporters that we were unable to seize the whole of what was said and we are afraid our report will not do justice to that gentleman. We understood him to say that considering the seat which he now held might not afterwards be adjudged to be his, he had not intended to take part in any debate involving topics upon which the

public mind had been agitated, till the members of the reformed House of Assembly had accomplished those mighty measures of improvement of which their election speeches were so redolent. But he felt that it was his duty to himself, and to those members of the old house who were not present to repel the abuse which had been so liberally bestowed by the patriots of the present house on the acts of the former. If there was one thing which he desired more than another it was to meet his accusers on the floor of that house, to demand from them there, not in vague generalities, not in undefined and untenable charges, but distinct and specific details. What were those dreadful measures of the last house which had excited so much patriotic indignation? What were the practical grievances brought upon the Province by the unwise legislation of the last Assembly? He would yield to no man in the ardour of his desire to benefit the people, and he had invariably advocated those measures which he conceived calculated to promote that end. He did not regard the men who talk the loudest as those who were most likely to do the most, and though the members of the old house must certainly yield to their successors in that qualification he would crave leave to refer to the history of the last ten years to see if they had not been engaged in something more useful.

When first he had entered the Assembly an application was made by the Council for the punishment of Mr. Halliburton for some free expressions which he had used on the floor of that house relative to the Council. Their application had been granted and he blushed to acknowledge that he had been a member of the house in which such a demand had been acceded to. But had the application been some time later and the members better informed of their rights and privileges they would as soon have cut off their right hands as have yielded to such a demand.

"Sir, I must apologize to the house for the hasty, imperfect and undigested manner in which I have addressed it. I wished to continue silent. I have been aroused by indignation to defend the absent and defenceless many of whom are personal friends from a

gratuitous attack upon them and myself, to speak upon a subject of deep importance without sufficient preparation, and before I sit down I repeat my requisition, and demand in legal language a bill of particulars of our offences. I for one stand ready here to meet, refute and repel the unfounded charges which have been so widely circulated against the late house, if they should be repeated here."

NOVA SCOTIAN, FEBRUARY 23RD, 1837. PAGE 60.

As a good specimen of the mode in which Stewart met his adversaries in debate the following speech in answer to some remarks of the late Sir William Young may be given. Mr Stewart said: "I did not intend to say another word upon the present question, but I feel myself called upon by what has fallen from the others. It may be that the expressions which I let fall before I resume my seat may offend one who will have to pass upon my own election. (Referring to Sir William Young, who was chairman of Stewart's election committee) but I care not. Had the learned gentleman from Juste AuCorps (William Young) contented himself with what he set out for I should have been silent. But, Sir, the time has not yet arrived when that gentleman can, with impunity, stigmatise all those who may differ from him in political sentiments. Sir, I should be sorry if I did not stand ten thousand times higher in this Assembly than any man that ever bore his name or had his blood circulating in their viens. What right has he to tell me because I think proper to express my opinions that I am an enemy to of all reform. Have not other members a right to think, to feel and to express their sentiments as well as himself. And yet, Sir, the public eye, the public indignation, the public revenge, is to be turned upon us because we vote on that side of the question which in our consciences we think to be right. We are to be told that with the exception of the hon., gentleman from Cornwallis and one or two others whom he has enumerated, all the rest are to be put down as the enemies of the people. Sir, I have in times bygone been charged with advocating measures too radical, and I will not now yield in the ardour of my desire to benefit the people to any gentleman, however loud he may be in his profes-

sions of patriotism. Sir, every man's public conduct should be the test of his character, and I fear not to appeal to the part which I have taken while I have had the honor of a seat in this Assembly as the test of mine. I may allude to the salaries of the officers of the customs which exceed our Provincial resources. Year after year have I led the debates in the attempts of this house to obtain their reduction. I have invariably advocated the propriety of throwing open the council doors, of divesting the Legislative Council of its executive functions, yet now we are told to look at the division which is shortly to take place and mark as the enemies of reform all who shall be found in opposition to the bill before the house. I do not know that I sneered at the learning of the gentleman who on a former day gave the house such copious extracts from some chronological table. But, Sir, I thought that those who came into this house should be supposed to have some little acquaintance with the rudiments of history, and that it was but a poor compliment to them to be supposed ignorant of the details which formed the burden of the learned gentleman's speech on that occasion."

One of the last speeches Stewart delivered in the House of Assembly was on an amendment to Howe's celebrated twelve resolutions. In this speech as reprinted in the Nova Scotian on March 9th, 1837, at page 73 he states very clearly his position. He says "The resolutions on your table are a whole and have so been debated throughout this debate. They are a system and as such have been offered for your acceptance. They contain a principle dangerous to liberty, while they affect to extend, to perpetuate, and secure liberty to the people. It is pregnant with dangers of the most formidable character, and I fear it will inevitably separate us from that land to which it is yet at least our pride, our glory and our happiness to belong. An elective council? Sir, its advocates tell you that it will confer upon you British liberty. Sir, it will destroy the political institution by which that liberty is preserved. It will substitute for the high-minded independence of Englishmen the low and grovelling subserviency of democracy. This is not idle declamation nor am

I seeking needlessly to arouse your fears. The subject is one of deep importance. It concerns your children and mine. It is the first step, always momentous. You will I am sure bear with me for a few moments while I direct your attention to it. If in your consciences you believe that in the main we are a happy, peaceable and prosperous people, do not rashly impel them into political strife and discord and agitation. The responsibility is now with you. Before, however, I proceed it is but just to say that much of the present discontent is attributable to the Council themselves. Unwarned by their enemies, uninfluenced by their friends, regardless of the practice of the British Parliament and the colonies with a perseverance amounting to fatuity they have persevered to legislate in darkness until in this house, in this community, in the whole Province, there is but one voice; their advocates are silent. This house divided upon almost every subject is upon this unanimous. By what fatality is it that man thus clings to power till it is wrenched from his unyielding hands. Why did they not add to their numbers? Why not separate their legislative from their executive functions? The time has arrived when their house must be set in order, when this upper branch of the legislature must be reformed. Upon this subject also there is at length unanimity among the representatives of the people. Sir, it were unjust to the hon. member for the County of Halifax to attribute to him the crisis at which we have arrived. It is to the impolitic and unwise retention of power that it is mainly to be ascribed. Reasonably moderate concessions to the wishes of the people would have averted this discussion. They disregarded our warning, they think the people are careless. They are in error. The people are shrewd and intelligent observers. They know that civil liberty depends upon political institutions. Already the elective principle is becoming acceptable to them. Let us make an effort to discourage it. Let our prayer to our Sovereign be a moderate and a reasonable one and it will be graciously considered. But though I do thus far deeply deplore the course, pursued by the board, I will not attribute to them collectively or individually corrupt and unworthy motives. Their errors have been the result, the vice of the system itself.

Still less can I concur in regarding them as authors of all the evils attributed to them. I therefore cannot support the resolutions of the Hon. Member from the County of Halifax. The amendment is more acceptable to me although it is not without exception, since it prays, although in the alternative certainly for an elective council. But as I am persuaded His Majesty's Government will not accede to this part of the prayer I will give it my support.

If I may ask why I prefer a Legislative Council chosen by the Crown to one elected by the people I reply that one is English and the other American. The one monarchial the other republican. I look with pleasure upon the progress of the United States in arts and science and all the elements of national prosperity, but I regard with a prouder satisfaction the immeasurable superiority of old England. Sir, I love the daughter much but I love the mother more. Imitate her institutions. Pause deeply to reflect ere you give your countenance to a proposition which may plunge into political strife and agitation this peaceable and happy colony and terminate in casting asunder from its kind parent its natural and powerful protector."

The effect however of his acceptance of a seat in the Legislative Council was to bring down upon his head the unmeasured abuse, and condemnation of all his opponents, and some of his quondam friends. His motives were assailed in the press, and even the Governor Sir Colin Campbell was attacked in violent terms for making the appointment. Yet to an impartial observer at this distance of time it is easy to see that Stewart's conduct was honourable, and consistent, and that the attacks on his motives were unwarranted. The recent changes in the constitution which had been granted by the Imperial Government were in his opinion all that was necessary for the good government of the Province, and went to the full length he had advocated when a member of the House. He had attacked the Old Council of Twelve which exercised both Legislative, and Executive powers, and carried on their deliberations with closed doors. These anomalies had been abrogated by the separation of the two bodies,

and by the doors of the Legislative Council being thrown open to the public. These were the reforms he had advocated, and when Howe determined to press further for reforms he declined to follow him. It is not a question whether in refusing to do so he took the best, and wisest course. That he was consistent is shown by a passage from Howe's speech on the resolutions in which he said "The honourable and learned gentleman from Cumberland, and other members of this Assembly, I am aware contemplate the separation of the legislative from the Executive Council, leaving the whole to be appointed by the Governor."

Having taken the stand he did no one could justly accuse him of inconsistency in accepting the position of a Legislative Councillor, and devoting his energies and abilities to working out what he believed to be the best settlement of the Provincial Constitution. That he was glad to escape the trouble and expense of the contest over the election petition there can be no reasonable doubt. His appointment to the Council was bitterly denounced by his adversaries in the Assembly and his critics outside. This doubtless is to be attributed to the hostility created by his action in speaking and voting against Howe's resolutions, and his escape from the trial of the election petition then pending against him. It is also not to be forgotten that amidst the turmoil of great political events which were then agitating the Province partizan feeling had reached its highest pitch and the pent up feelings of party animosity found vent in unsparing abuse of their opponents. As he rose from one position of honor to another and maintained his ground in the face of every effort to crush him these expressions grew stronger still, and he became a mark for continued hostile criticism to the end of his political life.

The reports of the debates in the Legislative Council show that he at once took an active, and leading part in its early formation, and in its deliberations. His long experiences in the lower house and in public affairs well qualified him for the work of organization in which the relative position of the new Council

in the Provincial Constitution had to be defined. Side by side with him was the Honorable James W. Johnston, afterwards so eminent in political life, and with whom Stewart was associated in the government until his appointment to the Bench. Mr. Robie was President, and several members of the old Council of Twelve whose proceedings he had so vigorously denounced in the past occupied seats in the Chamber. The House of Assembly as has been stated were so dissatisfied with the composition of the body contending that the Lieut.-Governor had failed to comply with the instructions of the Home Government, that they passed resolutions denouncing the action of the Governor, and appointed two delegates to carry their grievances before the Colonial Secretary. Messrs. Young and Huntington were named for this purpose to proceed to England to represent the feelings of the Assembly. The Legislative Council thereupon determined to appoint two members of their own body to meet those of the Assembly, and present their side of the case. Stewart and the late Judge Wilkins were selected, which indicates the high estimation in which he was even then held by many of his former opponents. While the selection was honorable, and gratifying to him, it excited the wrath of the Assembly, and led, as will presently be seen, to the most bitter and persistent attacks on his conduct and motives. All the delegates left for England in the summer of 1839, and in a series of interviews with the Colonial Secretary and the members of the Imperial Government the representations on both sides were heard. The result was not entirely satisfactory to the views of the Assembly although in the course of a few years owing to changes, and new appointments which were made, the composition of the Council was not further assailed. Stewart remained in England for some months after the other delegates returned. This so greatly excited the suspicions of the Assembly that he was remaining for the purpose of counteracting their wishes at the Colonial office that a Committee of the House was appointed to wait on his Excellency to ascertain whether Mr. Stewart was remaining in England under the instructions of the Executive Council. To which his

Excellency replied that he had given no instructions to the delegates of the Legislative Council, nor was he aware of the reasons for Mr. Stewart remaining in England.

While the dissatisfactions of the Assembly with the composition of the Legislative Council terminated, the constitution of the Executive continued for some years to be a source of great trouble, and bitter feeling between the Lieut.-Governor and the Assembly. It was contended that the Executive should be composed of members reflecting the views of the majority in the Assembly, in a word that the Council as it then stood were not responsible to the representatives of the people. Over this well worn controversy it is not necessary to go further than to record the part Stewart took in it. Stewart while in England was on the 28th March, 1840, appointed to be a member of the Executive Council. Such an appointment was in itself a mark of confidence in him, but it was viewed by a majority of the Assembly as a blow in the face. The Assembly were not slow in showing the temper in which they received the news. On the 24th March, 1840, this resolution moved by Howe was passed:

*"Whereas, the Honorable Alexander Stewart has been appointed, or it is in contemplation to appoint him to the Executive Council;*

*Therefore resolved, that in order to guard his Majesty's Government against committing an error that must have a tendency still further to embarrass the Queen's Representative in the Colony, the House conceives it to be their duty to state distinctly that there are few men in Nova Scotia who enjoy so little of their confidence, and that they should regard his appointment as a direct insult to the House."*

The violence of the language in this resolution shows that it was the result of partizan feeling—more especially when no reasons were then given, or ever afterwards except that he was a delegate opposing their wishes. Moreover, both Howe and Young and others who voted with the majority were in the course of a few

months occupying seats in the Executive Council alongside the man they had so strongly denounced in his absence. But Stewart was not the man to allow such an attack on his political character to pass unchallenged. He was not in the Province during the session of the Legislature at which this resolution was passed. He returned to Halifax in the Cunard Steamer "Unicorn" on the 1st June, 1840, after a passage of sixteen days. The first opportunity came to him in the session of 1841. A discussion took place in the Legislative Council with regard to the recent changes in the Council. This was his chance, and in his speech, as reported in the *Nova Scotian*, 1841, p. 58, he replied to the unjustifiable attacks of his assailants in terms of indignation, repelling their insinuations, and challenging them for proofs to which no one offered, or attempted to make an answer.

"He prefaced his remarks by urging the interest felt in the subject by the people of the Province. He was chiefly impelled to speak by personal consideration. With pain and pride he would have to speak of himself to throw himself on his country, and he did so in the presence of one who had caused a stigma on his (Mr. S) political character. He that day vindicated his character and threw down the gauntlet to all, chiefly to him who by the command of the Sovereign had been so recently elevated to that House. No change, he said, had been made in the constitution of the country and the principle of responsibility had not been conceded. He responded to the sentiments of the opener of the discussion respecting the tenure of seats in that house. These were nominally during pleasure really during life. He agreed also that if any member were removed from the seats of that body except for the specified causes, all, the President leading the van, should retire also. The house would be a mockery except it could take an independent view of acts submitted to its consideration. If any interfered with its free action, he (Mr. S) would adopt the motto 'Hereditary bondsmen know ye not who would be free themselves must strike the blow.' They should act as far as the vindication of themselves went by constitutional measures requiring no democratic institutions so beautiful in theory and bad in practice, but

British liberty in accordance with colonial dependence. They were sent by the Crown to that house but they had interests in the country equal to those sent elsewhere by the chances of an election. The house should be independent, if it ceased to be so better that it were abolished altogether. He referred to the many years he passed in the lower branch, he led in almost every measure of liberality that had been carried there, during the period he held a seat. That body represented the Commons of England as the upper branch did the Lords, in an humble degree. British subjects carried the spirit of liberty with them wherever they went, they should have British Government not in name only but in reality. Responsible Government in a colony was responsible nonsense, it was independence. If the Responsible Government aimed at elsewhere, supposing the debates were reported correctly, were granted by a Minister, he should deserve to lose his head. It would be a severing of the link which bound the Colony to the mother country. The recent changes infused a principle into the government, which conveyed by practical operation privileges not hitherto enjoyed by the people. It was not Responsible Government however. If the representative body after solemn debate were to present a vote of want of confidence it would be a matter of task and feeling with the members of the Executive Council whether they should resign or not, and for His Excellency to consider whether the state of the country required their dismissal. If not he would appeal to the people and enquire whether the advice of their representatives were such as he ought to follow."

He would next and for the first time claim the attention of the house for some personal explanations. He had to vindicate a public character of 16 years standing. No consideration could induce him to refrain from answering what had occurred and of throwing down defiance. That house and the late Governor honored him with a mission across the Atlantic and he thanked the gentleman who accompanied him for vindicating his character in his absence. It was sweet to read the language of a friend, to feel that one man at least spoke in defence of a person who was not

present to defend himself. While on that mission he endeavoured to perform his duty and received the thanks of the house on his return. He had good cause to feel keenly while in England when he read that which might have the effect of blasting his prospects notwithstanding his long services at the bar and in the legislature. He would not have returned so early only that he felt it to be his duty to meet his accusers face to face. He but little regarded the effusions which for years the malice of concealed foes had placed in the public prints. He felt that he was perhaps saved from the assassin's dagger by animosity taking vent in that manner. But when he saw on the Journals of the Assembly, the resolution passed by a majority of 18 in a house of 29 out of 50 members, he considered it a duty to himself, to that body, to his country, and most of all to his children, to hasten home and ask those who passed it to state its foundation. Let them not withhold out of delicacy to him from pointing out the political crimes for which he had been thus visited. These had not yet been pronounced. Up to that day he had not heard what they were. He was glad of that opportunity to demand their enumeration. The appointment had been conferred upon him without solicitation by the direction of his Sovereign. The recommendation was given by Sir Colin Campbell without his (Mr. Stewart's) knowledge. The first intimation he had of it was by a letter from His Excellency. Although that officer had left Nova Scotia he would say of him that he had one virtue at all events that of magnanimity. For months before the appointment he scarcely entered the doors of Government House. He had complained to the Colonial Office respecting a measure which operated against a client and that caused an estrangement between His Excellency and him. That did not prevent His Excellency from seeing when the election scrutiny impended that he might be a victim, and he said, "I do not think you used me well in complaining of me to the Colonial Office but I think you are entitled to hold a place in the Councils of the country and it gives me pleasure to recommend you for that honor." This answer he now gave to those who said he had worn out the stones at Government House and that he was an adviser of His Excellency when the Councils were formed.

The only suggestions he made were respecting Mr. Morton for the Legislative Council and Mr. Huntington for the Executive. He accepted Lord John Russell's offer of a seat and he felt it his duty to take the first opportunity of vindicating his character from charges occasioned by that appointment. Was this treatment to be one of the earliest advantages of responsibility, accusation in his absence, and condemnation without any specific charge? If so, all he had said of that system was too feeble to describe the misery it would produce. On Lord Sydenham's visit finding that a committee of the lower house had been appointed to communicate with his Lordship, he (Mr. Stewart) desired to meet them before His Excellency and if he was the political apostate represented, if he made his mission to England subservient to his own interest, if he was not a worthy son of the land of his birth, then let him be turned from office. If these were not proved let him be retained. His Lordship was pleased to say that investigation was not necessary. The request was repeated and he could not forget the delicate attention paid by His Lordship. He said that he had enquired of all parties, that the investigation was not necessary, and that he would give a proof that the confidence of the government was continued by reappointing him to the executive and continuing him in the Legislative Council. He did not go into these details for the purpose of interrupting harmony but because nothing was so dear to him as character. What had he done to cause that mark of censure? Was it his conduct on the quit rents? Distinguished members of the other house voted with him on that subject, and of the minority of 10 but 2 were returned in a subsequent election. That could not be the cause. He had been exculpated up to 1837, and what did he then do that a record against him should go down to posterity. He supported nearly every liberal measure which was introduced into the house while he sat there. He was the originator of the free trade measure. It could not be that. Nor the Catholic Oath bill, nor the provision to prevent Protestants from taking the oath, nor the Marriage license measure. But it would be in vain to enumerate. Up to the period of his leaving the House of Assembly he was considered.

fit for a seat in both councils. How had he acted as an independent member of that house? He assented to nearly every measure sent from the other branch. On the Quadrennial Bill, he exercised an opinion feeling that whatever changes were made, some stability should be given to public institutions, and while he sat in that house he would act independently. On the Civil List Bill he saw that it was not consistent with the policy of the government, and that permanent salaries for certain officers should be provided. That had been confirmed from Home and acceded to by many of the Assembly. If he had offended on that he offended in company with the Hon. gentleman, the Solicitor General who sat beside him. But he also was one of the proscribed because he and others had not accorded with the vote of censure they were pronounced unworthy the confidence of a party in the Assembly. They did themselves honor by not giving that Act their approval. How could the Governor have dismissed his Council at that time without disgracing himself and tarnishing his fame. That could not be the ground of an attack on him (Mr. S.). What was it then? He recollects one point which might perhaps furnish an answer. In the report of the delegates of the Assembly written with the peculiar felicity of the author it was said that he (Mr. S.) while representing that house in England stated that Nova Scotians were such abject slaves though they were trampled under foot they would not rebel. A saying was that if a worm were trampled on it would turn. It was true that in a discussion one of the delegates stated a case hypothetically in which people might have no recourse but rebellion. He (Mr. Stewart) saw that this caused a misapprehension, that an impression not intended was conveyed, and he said that the people had no feelings but those of loyalty, and that no intention respecting rebellion existed. Why did not the assembled delegates at that moment say that he did not represent Nova Scotia. That was not done. He was proud to know that the people were affectionately, disinterestedly and even romantically attached to the Sovereign, that they felt devotedly attached to the land of their fathers and that they had no wish to be separated from it, and dreaded to be swallowed by the neighbouring republic, that they loved British liberty, not licentiousness."

"He did not speak to revive angry passions. He was willing to meet that gentleman and go hand in hand with him for the advancement of the public interests. He had met another leader the most distinguished in the house (Referring to Joseph Howe) He, (Mr. Stewart) was one of the first in the former house to foresee that gentleman's acquisition to power and place, to see the genius emerging which had burst forth since. He recognized his ability and was glad to see his talents employed in the service of his country. He would always find him (Mr. S.) ready to go with him while he proved anxious for the good of his native country. Willing to support him, in supporting the dignity of the crown and the interests of the people of Nova Scotia. When he (Mr. S.) did that he only did his duty to the representative of the Crown, to himself and to that house."

When Stewart was appointed a member of the Executive Council Responsible Government as we now enjoy it had not been completely obtained, or more correctly speaking was not fully understood. That appointment was bestowed upon him on the recommendation of Sir Colin Campbell, then Lieutenant Governor, and as has already been pointed out caused great indignation among his foes in the House of Assembly. On Sir Colin's recall Lord Falkland succeeded to his place in September, 1840. One of the first acts of the new Lieut. Governor was to call for the resignation of some of those who had been members of the Old Council, such as Jeffrey, Collins, Cogswell and Tobin; and to appoint in their places Mr. Howe, and Mr. McNab. The Executive as then constituted was composed of the following persons: Hon. S. B. Robie, Sir R. D. George, James W. Johnston, Edward W. Dodd, T. A. S. DeWolfe, Alexandes Stewart, James B. Uniacke, S. G. W. Archibald, James McNab, and Joseph Howe. Archibald, who was also Attorney General, shortly afterwards, on the 29th April, 1841, was appointed Master of the Rolls vacated by the death of Mr. Fairbanks. The Government as will readily be understood from the names of those comprising it held different views on many subjects. It appears from a discussion that took place in the House of Assembly Feb. 18th, 1841, that Howe had been consulted

in 1837 by Sir Colin in reference to the composition of the Council under the changed conditions. Howe in explanation says "Of members of this House, the persons recommended for seats in the Executive Council were the Attorney General (Mr. Archibald), Mr. Stewart, and Mr. Huntington. Mr. Goudge enquired was he to understand that Mr. Stewart was one of those recommended. Mr. Howe. Yes, in 1837. At that time he was a very young member of the Assembly, and Mr. Stewart up to that period had taken about as broad liberal views as most gentlemen in the House, not decidedly belonging to the liberal party."

In these words forced from Howe is to be found the most complete refutation of the resolutions he had assisted in passing in the Assembly reflecting on Stewart. That it was a piece of political spite prompted by unworthy motives does not admit of any doubt. The same remark applies to Young who took his seat at the same Council board 13th January, 1842. Stewart, Johnston, and other members who sided with them held very different views to those of Howe, Young and MacNab in regard to the position of the Executive in the constitution of the Province. The latter of course contended for Responsible Government pure and simple—that is to say that the Executive should be composed of persons only who had the support of the House of Assembly. Stewart on the other hand expressed in one of his speeches the opinion of himself and friends in the following language—"In Canada as in this country the true principle of Colonial Government is that the Governor is responsible for the acts of his government to his Sovereign, and the Executive Council are responsible to the Governor. He asks their advice when he wishes it. He adopts it at his pleasure, and it is the duty of those who disapprove of his acts to retire from the board."

This, however, was not the popular view, nor the one which ultimately prevailed, but it thoroughly explains Stewart's attitude at the time, and while he held a seat in the Government.

Lord Falkland's government was distinctly designed to be a non-party one, and it was on that understanding that Howe, MacNab, and James B. Uniacke joined it as representing the liberals in the Legislature, while Johnston, Stewart, and others represented the Conservatives. With such elements harmony could not long reign. It was broken by the appointment of the Hon., Mather Byles Almon to be a Member of the Executive. This took place on the 21st Dec., 1843, and immediately Howe, Uniacke and MacNab sent in their resignations which were accepted. From this time commenced the war in earnest between the two parties into which unhappily Lord Falkland was dragged. To enter into the particulars of that unseemly dispute is unnecessary. Nothing but the extreme violence of party feeling then raging will account for it, while nothing can justify the conduct of the principal actors. This may be urged somewhat in extenuation that it occurred at a time of great political upheaval when passions were roused by the importance of the vital questions involved, and much was said and done of which in calmer moments those who were guilty would be ashamed.

As one specimen of the scurrility indulged in toward Lord Falkland the following from the Nova Scotian, Sept. 9th, 1844, is given:

"But what need the Governor care for the hounds. Has he not his own miscellaneous pack to defend him? Are there not the Sydney Pug (referring to Judge Dodd) the Annapolis Terrier (referring to Mr. Johnston), Snarlyyow from Cumberland (meaning Stewart) and his little dog Tray of the "Morning Post."

"Mongrel, Puppy, whelp and hound

"and curs of low degree"

"and the Lieutenant Governor."

But as might be expected from what has been already stated the vials of their wrath were chiefly emptied upon Stewart. Johnston was the leader of the Government as well as Attorney

General. Stewart was his chief lieutenant, and led in the Upper House. The opposition press teemed with daily abuse of his character and conduct.

The following, extracted from the Nova Scotian of July 4th, 1845, conveys some notion of the mode in which he was attacked under the heading of "Deserters."

"Hon. Alex. Stewart gave early indications of the genius for which he is now universally distinguished. Manifested great astuteness as a merchant, accountant, and financier. Deserted the interests of Commerce and the bustle of the City for the study of the law, and the privacy of the country. Came out a violent advocate of ultra-liberal principles, country interests, and homespun breeches, and was elected for Cumberland. Fired by his country's wrongs and overflowing with indignant zeal at the dictation of the Colonial office, the voluntary delegate to the Colonial Minister went home a patriot, and came back a courtier. Sandy having deserted his principles the people of Cumberland shook him off, whereat he deserted the country for the city, and eschewed homespun breeches. He was appointed Legislative, and Executive Councillor by Sir Colin Campbell, and served in three administrations in four years. Having become tired of deserting former associates, and principles, Sandy is said to have made up his mind never to abandon any administration until fully satisfied of its inability, or indisposition to reward deserving men, or desert any Governor until perfectly satisfied that his ruin has been fully accomplished."

The obloquy cast upon him by his political enemies does not appear to have had any influence on his public conduct. From the time he took his seat in the first session of the Legislative Council until his promotion to the Bench he devoted his mind with his usual energy to all public matters and questions, speaking very frequently, and generally directing the course of legislation in the Legislative chamber. It can readily be seen on consulting the records of that body that his opinions carried great weight, and that he easily held a first place.

Any attempt to describe in detail the various measures with which he was called upon to deal would be to write the legislative history of the Province during that period. His general views and conduct on all the great public questions are sufficiently told in what has preceded. As a member of the government in company especially with Mr. Johnston he was continually and roundly denounced as not there by the will of the people, but by the favor of the Lieutenant-Governor, and yet during all the time he sat in the Executive a majority in the Assembly supported the Government.

Having served twelve years in the House of Assembly, and eight years in the Legislative Council, during six years of which latter period he was also a member of the Executive, an opportunity came when he might fairly claim to reap the fruit of his twenty years labour in the service of his country. As a lawyer of first eminence his right and claim to succeed to the vacant Mastership of the Rolls could not be gainsaid. Accordingly when offered, he accepted the position, and thus closed his somewhat stormy political career. However fiercely he may have been condemned and denounced by his enemies and opponents for the independent course he pursued in political affairs, no stain rested on his name in connection with any public matter. He was strong in his convictions, and courageous in action, and left behind him a record to which his descendants may look with just pride.

Before turning to his judicial career it will be interesting to refer to some episodes in his life which occurred while he was in the Legislature. During his visits to England his prominence enabled him to meet many distinguished persons, with some of whom he formed strong and lasting friendships. Among others were Lord Brougham, Lord John Russell, Lord Nugent, Daniel O'Connell, Sir L. Bulwer Lytton, Mr. Labouchere, and Dr. Lushington. In England he also formed the acquaintance of the celebrated American statesman Daniel Webster. He also enjoyed the friendship of three other well known Americans,



Judge Story, Chancellor Kent and Edward Everett. His correspondence with all these eminent men is the best proof of the high estimation in which they held him.

It was on the occasion of his visit in 1839 and 1840 that he was with Daniel Webster the guest of the Lord Mayor of London at dinner at the Mansion House. Howe, in the Nova Scotian to which allusion has been made before, publishes a full account of this function with Stewart's speech, accompanied by some very humorous comments.

"On the right of the Lord Mayor sat the Honorable Daniel Webster a member of the Senate of the United States, and on the left of his Lordship sat Alexander Stewart, Esq., a member of the House of Legislature of Nova Scotia. The Lord Mayor said in proposing the health of the Hon. Alexander Stewart, that he had great pleasure in introducing to his guests another gentleman who had visited their shores for the purpose of making himself acquainted with the customs, manners, and improvements in this great country. Mr. Stewart was a member of the Legislative Assembly of Nova Scotia—a colony in whose welfare England felt no small degree of interest. He had met with a warm reception and he (the Lord Mayor) should feel great pleasure in introducing his distinguished guest to whatever was worthy of observation within his jurisdiction."

Then Mr. Howe makes this generous comment: "We come now to the worthy delegate's speech, and here we must give the 'devil his due,' and acknowledge that it reads quite as well in print as any of the others. Stewart though not as great an orator as Daniel Webster is not a bad speaker, and from what he saw, and heard after dinner at home we should incline to the belief that Sandy did the Province no discredit so far as fluency went, and rather favourably impressed the citizens as to the general character of Blue nose oratory—we give the speech in full.

Mr. Stewart said: "In rising as I do with extreme pleasure at the call of your Lordship, I cannot help giving expression

to the sentiments which fill my mind drawn forth as they are by a remark from your Lordship. Yes, my Lord, I fully feel with my friend Mr. Webster that the American settlers as well as the trans-Atlantic Colonists are not foreigners, but we own your fathers for our fathers, your blood running in our veins, and your principles emulating our examples, your success gladdening our hearts, your failures calling forth our sorrow (Cheers). I felt with throbbing emotion as the gentleman was singing "Hearts of oak are our ships," that when the wooden walls of your Navy shall again be manned for the preservation of peace, and your army again organized to the same end, your fellow subjects on the other side of the water will be found to possess hearts, and hands to assist you in your gallant enterprise (Applause). My Lord, you have alluded to the fact that we are a country without debt or taxes. We have to thank you for that. In common with all our other privileges it is your ships which protect our trade, it is your soldiers that defend our shores. To you we are indebted for innumerable benefits. While we feel ourselves to be a link in the great chain, you it is who with a commanding power connect the past with the present, and the future. I felt the full force of this today, when I witnessed for the first time the old Saxon custom and as the grace cup pressed my lips and as I received it from the fair lady who sits beside me I thought of the words of the poet,

"If there were but a kiss left in the cup  
"I cared not for the wine" (Cheers).

Before I sit down I beg leave to follow out the wishes of my friend Mr. Webster, and take up the sentiment which he so properly waived on the present occasion; and give "Prosperity to the City of London, and the trade thereof," nor need I ask the present company to drink it with enthusiastic feelings."

Howe remarks on this, "But the concluding crowning passage—the barefaced attempt to steal a kiss from the Lady Mayor-ess out of the grace cup was indeed the 'coo' (coup) de grace—

In that, at all events he indicates the gallantry of the Blue noses, and must have made even the Lord Mayor look blue."

His views on Confederation of the Provinces may here be noticed. He was an avowed opponent of Union. So long ago as the 22nd March, 1839, in the Legislative Council when the question was first mooted in consequence of Lord Durham's report, he made a strong speech against the movement. When the agitation was revived in 1864, led by Sir Charles Tupper, he expressed himself in the strongest terms against its accomplishment. To his mind Nova Scotia was happy, prosperous, and contented under the aegis of the British Crown and he thought any connection with the Canadas would be injurious to our interests. The Union was not brought about in his lifetime. It must be conceded that in this opinion he was mistaken. He was then an old man long retired from public life, and from the forces which were affecting the political status of the country. It is therefore not much to be wondered at that he regarded with suspicion and dread any movement which would so revolutionize our Provincial institutions.

In a letter written about the period negotiations were in progress for union he says, " We are living at an important epoch in North American history and the Convention now sitting at Quebec have vast issues before them. You will probably live to see the consequence of the Union of these Colonies if it occur. I predict that children yet unborn will rue the day if it does. Desperate but fruitless and vain will be the struggles of these maritime colonies to break the chains which will thereby bind them to their gigantic neighbour Canada, 'Like the starling their way will be I can't get out'. A Commercial Union something akin to the zolvverein is all that is required, for our best union will for long be the union which now exists between us and our glorious fatherland. However, with the future of this world I have little to do."

Again in a letter a little more than a month before his death on Nov. 8th, 1864, he writes, "We are at the beginning of an era

of taxation which ere long will astonish the statesmen as they call themselves who are throwing Nova Scotia happy, prospering and contented as she now is into the great big swamp of Canada. But it is not this which appals me, it is the cutting the tow rope which binds us to old England. He must be a poor statesman who cannot see that this must be the almost immediate result of the setting us up a nation. Archibald says in his speech at Montreal that it was natural; that Great Britain should expect that so soon as we are able to do so we should take measures to defend ourselves, and so we should. But he also transmuted this act into independence as a necessary consequence. No recognized authority in England ever said that she had a desire that we should set up as a nation, and it will be news to me when she assents to the new nation having the entire control of everything therein. It is in my poor opinion of the last degree impudent in the convention not making the plan and its details public. It argues forgone chicanery.

"These men  
"Dressed in a little brief authority  
"Cut such fantastic tricks  
"Before high heaven as makes the Angels weep."

My great objection to the whole plan is its prematurity.

What trash is one foot on the Atlantic and the other on the Pacific. How many ironclads and how many battalions could our new nation contribute to the protection of our fisheries or of our harbour. Truly Canada seemeth to be most generous. She will give us back so much per head of our revenue, and to think of taking such a step without a general election is unalloyed despotism. Mais n'inporte. I shall, I hope, be in the "mools" long before this statesmanlike measure is perpetrated. I hope for I should wish to die as I have lived a unit, though a humble one, of that great nation the beat of whose morning drum travels with the sun until he reappears next day in the eastern horizon.

He was much in advance of his time on some subjects such as legal reform, education, and religious equality. He declared in one of his speeches in the House of Assembly that imprisonment for debt should be abolished as barbarous. He constantly denounced the granting of any preference, or privileges to one religious body over others, and some of his ablest speeches were made on measures for the improvement of education in the Province. He gloried in our British connection, and strove with all his might to make the bond stronger. This sentiment became more fixed through his repugnance to American institutions.

The announcement of Stewart's appointment as Master of the Rolls was received with unqualified satisfaction by his numerous friends, and by those who appreciated his sterling abilities, and legal standing. All that his enemies could say was uttered in the prevailing hostile tone which they had used against him for years. The best that Howe, in a paragraph in the Nova Scotian referring to the appointment, could say, was "The Liberals have nothing to do with the existing perplexities and arrangements except to laugh at them. Had the coalition continued to this hour Johnston or Stewart would have been Master of the Rolls". One thing of especial significance may be noticed that notwithstanding all the vile abuse and calumny that had been for years heaped upon him not one word was uttered against his fitness for the position, or his integrity as a man. He was in England in 1846 when his appointment was gazetted, and shortly after his return in June he visited his old constituency in Cumberland where he received from the Bar, and the leading residents of the County, an address of hearty congratulation on his accession to the Bench.

He no doubt set great value on this address from his old constituents, as it was found carefully preserved among his papers, and for that reason, and also to give a place in this record to the name of some of his old friends in the county it is here transcribed in full:

"To the Honorable Alexander Stewart, recently member of the House of Assembly for this County, and member of the Executive and Legislative Councils.

"We, the High Sheriff, Custos Rotulorum, Members of the Provincial Legislature, Magistrates and Members of the Bar of Cumberland, avail ourselves of your present visit to this County whose interests you have so long, so faithfully, and so ably advocated, to tender our sincere, and respectful congratulations upon Her Majesty's selection of you to fill the High Office of Master of the Rolls of the Court of Chancery, and Judge of the Court of Vice Admiralty in the Province. By undeviating loyalty, and the conscientious and efficient vindication of the right and liberties of the people you, Sir, have well entitled yourself to these distinguished marks of the favor of the Crown, and we view this gracious act of the Queen as a proof that an individual who acting under the influence of these qualities, resolutely preforms his duty as you have done, may attain the highest offices in the bestowal of Her Sovereign, while he assures for himself the reward and esteem of his fellow subjects.

This Province will hereafter be deprived of your services as a member of the government, and of the Legislature, but it will be more than compensated by the learning and ability by which you will be enabled in a higher station to be serviceable to your native County. Wishing yourself and Mrs. Stewart all happiness, we have the honor to be, etc, with great respect."

This address is signed by Joshua Chandler, High Sheriff, D. MacFarlane, Custos of the County, R. McG. Dickey, M. P. P., Stephen Fulton, M. P. P., M. Gordon, J. P., John Hood, J. P., Amos Black, J. P., John Morley, J. P., D. Teed, J. P., Elisha B. Cutten, J. P., J. W. Delaney, J. P., W. W. Bent, J. P., W. Henry Butterfield, J. P., Isaac Bliss, J. P., Gilbert Purdy, Register of Deeds, James MacNab, J. P., Jacob G. Purdy, J. P., Ashar Black, J. P., John Morse, J. P., Nath. Angus, J. P., Josh. Oxley, J. P., Findlay Weatherbe, J. P., and a large number of others too numerous to mention.

## JUDICIAL CAREER.

The office of the Master of the Rolls became vacant by the death of the Honorable S. G. W. Archibald in 1846. There were several eminent members of the Bar well qualified and anxious for the vacant judgeship, and among others the Honorable James W. Johnston, who was at that time head of the Government. However strong were his claims the circumstances in which he was then placed as the leading member of the administration compelled him to waive them. Stewart was also a member of the Executive Council but Johnstone from what motive it is needless now to enquire did not favor his appointment. His long services to the country and his high standing as a lawyer were however well understood and appreciated by the Imperial Government, by whom such appointments were at that time conferred.

Lord Falkland, in a letter addressed to him April 28th. 1845, offering a silk gown has placed on record his opinion of him as a lawyer and statesman. He says: "I have as you are aware received through Lord Stanley Her Majesty's permission to promote to the rank of Queen's Counsel such gentlemen of the Bar of Nova Scotia as I may deem entitled to the honor. Your high standing as a lawyer and the eminent services you have rendered to the Government in the Executive as well as in the Legislative Council not only makes it impossible for me to overlook your claims to professional advancement on an occasion like the present but cause the duty of offering the distinction to your acceptance to be as gratifying to myself personally as it is imperative. Should you feel disposed to avail yourself of the offer I now make your name will appear at the head of the list of Queens Counsel for the Province.

I am, dear Sir,  
Yours very faithfully,  
FALKLAND."

Lord Falkland was Lieutenant Governor, and on his recommendation Stewart was elevated to the position of Master of the Rolls. As gathered from his letters, he had formed a very high

estimate of Stewart's abilities, and despite the jealousy, if not the opposition, of some of his colleagues in the Council the Home Government sent a mandamus to the Lieutenant Governor for his appointment. On the 20th May, 1846, his Commission as Master of the Rolls was issued, and he was sworn into office on the 2nd day of June, 1846.

The Court of Chancery at that period was not regarded with much favor in the Province generally. The great expense and the tedious delays attendant on its proceedings as then conducted were a constant source of complaint, and had brought the Court into disrepute. The illness of Mr. Archibald for some time prior to his death and consequent hampering of the business had increased the unpopularity of the Court. This was not all. The procedure itself was antiquated, following as it did the old forms of the English and Irish Courts of Chancery, which involved heavy costs utterly disproportionate to the matters involved, and unadapted to the conditions of the Province. These complaints had reached the Legislature, and in the preceding twenty five years attempts had been made to deal with, and rectify these abuses, but only with partial success.

Stewart, who had been one of the foremost Champions of legal reform, was familiar with the evils in Chancery procedure. Within a very short time after his appointment he set to work to remedy these defects so far as it was within the power of the Judge to do so. Under an Act of the Legislature passed some 12 or 14 years before the Master of the Rolls was empowered to make new rules, and regulations to simplify the proceedings, and lessen the cost. Hitherto very little had come of this Act. Neither Mr. Fairbanks, nor Mr. Archibald had, so far as can be gathered from the Chancery Records, taken the matter in hand. Stewart who was a younger man, and in the full strength of his intellectual powers, tackled the subject. He drew up, and published a new set of rules sweeping aside so far as possible the old forms, introducing simpler ones, and reducing the expenses. He did not stop after promulgating his first remedial measures,

but as will be found on consulting the Chancery Books continued to lop off the old and useless forms and orders, as from time to time they come under his notice. He was following up this reformation until the time of the abolition of the Court in 1855. It is a striking tribute to his ability, and foresight that many of the changes introduced by him are to be found in the Judicature Act, and Orders of the present day.

The success which attended his efforts in reforming the machinery of the Court of Chancery quickly appeared in the improved despatch of business. The energy and capacity of the Judge put an end to the delays, and abuses which had characterised Chancery litigation in the past, but with the heavy fees and costs he was unable to deal satisfactorily because these were fixed by laws which he had no power to alter.

The proof of the correctness of the above statements is to be found in the records of the Court of Chancery still preserved, but more especially in the Provincial archives, and the Journals of the House of Assembly. When the agitation for the abolition of the Court was started, and measures were taken for that purpose by the appointment of a Commission to report on the whole subject, Stewart was naturally called upon to defend the existence of the Court. In an able letter after exhaustingly dealing with the matter, he challenged those who were attacking the Court of Chancery to advance any proof of their statements, and points to the unanswerable fact that not one cause ripe for hearing remained undisposed of. Two of the most learned, and impartial Commissioners, the then Chief Justice Sir Brenton Halliburton and Mr. Justice Bliss, completely upheld the position he took in their valuable report.

As reference will be made to the period of the abolition of the Court later on, it is more convenient to trace just now his judicial career. Stewart was more fortunate than his three predecessors in having some of his decisions reported, but it is much to be regretted they are few in number. There was no reporter in those days, and it was not until near the end of his

career on the bench that the late Mr. Justice James began to edit decisions of the Supreme Court in which he included one or two of the Master of the Rolls. While to some extent these enable an opinion to be formed of his judicial career, and knowledge, their scope is of too limited character to give a full view of his capacity and mastery of equitable jurisprudence. In nothing was he more conspicuous than his love, and grasp of principles—the great foundation principles of Equity, as well as of the Common Law. Case law had no charms for him. Always of course yielding to the authority of decided cases, yet it was no slavish following of what had been said before. His disposition was to go to the root of things, and in his efforts to probe to the bottom he left no stone unturned. If he was satisfied that the practice, or precedent in the English Court were not applicable or objectionable to the conditions prevailing in the Province he did not hesitate to disregard them, and gave his reasons for doing so. As already stated the illustrations of his decisions which have come down to us are very few indeed, and we are largely dependent on the reputation he acquired while on the Bench. In the celebrated case of *Uniacke vs. Dickson*, James Rep. 287, decided after he became Master of the Rolls, he could take no part as Judge, having been counsel for the complainant while at the Bar. The decision, however, was in favor of his client Mr. Uniacke, and according to the opinion he had given. *Collins vs. Story*, James Rep. 141, in which he decided that a widow was entitled to dower in her husband's equity of redemption where she had executed a mortgage made by him merely for the purpose of security, is a good specimen of his industry and research, as well as his independence of judgment. He says, "A married woman's rights, and interests are under the special protection of the court. Dower is said to be favored even at law, but surely then to deal with a mortgage such as I have suggested would not be to protect, but to defraud a woman. There may be some show of reason in this court not relieving a widow when the husband was never seized of an estate at all during the coverture as was the case in *Dixon vs. Laville*. There was nothing on which the Court could fasten to exercise its peculiar jurisdiction.

She never was entitled at law to dower. *Equitas sequitur jus.* She had executed no conveyance, consequently there was none for the Court to examine, and the long established rule of the Court was that a woman could not be endowed of trust estates or of an equity of redemption, which was held to be analogous to a trust estate. In the case I have suggested, there is no rule of equity by which the Court is restrained from enquiring into the interests of the parties to the mortgage. At law indeed the husband had conveyed in fee simple to the Mortgagee \$10,000 worth of real estate for the consideration of £100. At law upon the non-payment of this sum agreeably to the condition in the mortgage, the mortgagee became absolute owner in fee, but hereof he is held to the real transaction, compelled to accept repayment of his loan, and reconvey the title to the mortgagor, then wherefore not extend similar justice to his wife, who also only understood herself to be pledging her right of dower to secure such repayments. Our Provincial law says, "when a sale shall be made of lands and tenements by husband, and wife, &c."—A sale was not contemplated if one merely refers to the words of the law in the case I am putting, and it would be unjust to extend it beyond in the intention of the parties."

*Caldwell vs. Kinsman*—James Reports 398, is another decision not in itself of much interest, but in which he again shows the soundness of his learning, and his independent character in dealing with matters coming before him. "I refuse then," he says, "to adopt this English rule because it is inconsistent with the "peculiar mode of taking testimony on the broad principle that "rules of evidence and practice must vary with the varying "exigencies of the subject to which they are to be applied and "cessante ratione, cessat lex." The whole judgment in this case is an able discussion of the evidence before him, and the law on the subject, and is perhaps one of the best specimens which remains of his judicial utterances.

*Wooden vs. Bushen*, James Reports, 429, the only other reported decision in the Court of Chancery simply deals with a point of practice.

*Tobin vs. Tobin* was another cause of considerable importance of which a printed report remains, and which in vigorous language decides a difficult question of procedure. In nearly all of these cases such eminent lawyers as James W. Johnston, Wm. Young, John W. Ritchie, Jas. R. Smith and James Stewart represented the litigants.

In the Tobin case is a passage which illustrates the fund of humour so characteristic of the man. "The defendant," he says, "then came armed, and prepared with their objections, and the complainants were laid by the heels by it. Surprises of this kind always belonged more to common law than to equity. The Court of Chancery has ever discouraged the gladiatorial feeling which was once the pride of Nisi Prius. But things have changed in all Courts. John Doe, and Richard Roe are irreverently regarded as Myths. In *fictione juris consistat equitas* is itself a fiction. Figures of speech are now met with figures of arithmetic, and tropes, and metaphors with the latest statistics. Those of our Bar whom Her Majesty delighteth to honor have set Lord Coke's authority at naught. They have not trodden in the footsteps of their predecessors. Coke doth plainly show *tempore jacobi primi* that it doth much import the King's sovereignty, and the common weal, that his Counsel learned in the law dance once in every year, whereupon at Whitsuntide they did dance solemnly, and lovingly together before the bench, the King's Attorney first stepping forth to the great contentment, and admiration of the outer bar and other of the King's lieges.

Fuimus Troas - - -  
Ilium fuit - - -  
Danai dominantur urbe."

It is much to be regretted that there are no other of his Chancery decisions extant, for it is well known that all he did, was done well and no doubt in the large number of questions which arose in cases before him many important principles were determined. Those to which reference has above been made however

help us to form some notion, although an inadequate one of the extent of his learning, and his capacity as an Equity Judge.

Further evidence of his ability, and industry is to be found in a number of his reported decisions as Judge of the Court of Vice Admiralty. He was appointed Judge of this Court by the Imperial Government at the same time he became Master of the Rolls, and filled that office with great credit and distinction until his death. The business of the Court of Vice Admiralty during his occupancy of the office appears to have been large. Considerable correspondence took place between himself and the Home authorities on the subject of salary. Stewart complained, and it seems with justice, that the then mode of remuneration by fees was inadequate and unsatisfactory, and demanded a fixed salary. After the question was investigated, Mr. Gladstone, then Colonial Secretary, replied that it could not be done in view of the many other Courts of Vice Admiralty in different parts of the Empire who would be entitled to the same.

It is not proposed to refer with particularity to any of the cases in Admiralty which he adjudicated, except to one which was an international question, and involved serious issues between England, and the United States. I refer to the "Chesapeake" case now almost forgotten, but at the time of very great importance. During the civil war a party of men claiming to have a Commission under the Confederate Government took passage on the Steamer Chesapeake, an American vessel then on a voyage from New York to Portland. At night when at sea they took possession of the ship shooting down the Captain and putting the crew in irons. The steamer was brought first to Shelburne, Nova Scotia, and was subsequently captured outside Halifax Harbour, but within British waters by an American vessel of war. She was then brought into Halifax and handed over to the British authorities here. The captain had previously escaped, had been arrested at the instance of the United States Consul at St. John, N. B., and under a writ of Habeas Corpus discharged from custody. The steamer was libelled

in the Vice Admiralty Court at Halifax, and the matter came up before Stewart as Judge. The excitement prevailing over the whole affair both in the United States, Canada and England was very great. The questions involved were new, and great difference of opinion existed among Members of the Bar as well as the Executive as to the proper disposition to be made of her. Southern sympathy ran high in Halifax, so much so that a number of influential persons actually interfered with the officers of justice to enable some of the parties connected with the Captain to escape arrest. Indeed, one gentleman of high position deliberately insulted Stewart in the Halifax Club for the decision he gave. The whole question was argued before him on several occasions. Such able lawyers as Mr. Johnston, Judge Advocate General for the Crown, John W. Ritchie in the interest of the Confederate States, and Mr. Shannon with Mr. Morse his partner for the vessel, and cargo owners. The decision, or rather series of decisions are reported in *I Oldright*, 797. Some idea may be gathered of the intense feeling aroused and difficulties surrounding the Judge in this important case from his remarks in granting writs of restitution on Feby 10th, 1864. He says, "What I have said, and done in this cause has been greatly misunderstood, and misrepresented, and it is of much importance that this should as far as possible be prevented from again occurring. I have therefore thought it well to reduce to writing what I have to say in decreeing these writs as prayed." Then after some further remarks he proceeds to say, "This Court (though it administers its functions in Halifax) is an Imperial tribunal acting by authority of the Acts of the Imperial Parliament, and guided by international and maritime as well as municipal law, and from its decrees an appeal lies to the highest appellate tribunal but one in the Empire. If therefore these captors have the rights which it has been suggested at the bar belong to them, the Confederate Government, and its agents can have no difficulty in effectively vindicating them. The announcement of these views was received with but scant deference. They, especially the intimation that the Chesapeake with her cargo should be forthwith restored to their owners, were promptly denounced as inconsistent with

that common sense, the application of which it was said, to legal problems, was all that was required for their solution. This reception of them troubled me but little, as I felt that no personal disrespect could be intended, but the conduct of a portion of the press in these Colonies has given me great concern. Free, and fearless criticism of the proceedings of Courts of Justice such, and such only as one sees in the great leading organs of public opinion in England, is an essential corrective to their proceedings. But the circumstances of this case, it is well known have excited the most angry feelings throughout the United States, and the epithets and strictures, and the unworthy motives and conduct imputed to this Court, and to myself as Judge of it are as unpatriotic as they are un-English for they have no other tendency than to exasperate these feelings and justify alike the Confederates and the Federals in treating with contempt any decree which it may pronounce."

The truth and justice of these remarks will be apparent to any one taking the trouble to consult the newspaper press of the day, both in Canada and the United States, but Judge Stewart was not of a temperament to allow himself to be attacked without hitting back. As one instance of the undeserved slanders which found vent in the press I give the following extract from the Weekly Telegraph published at St. John, N. B., Feby. 18th, 1864.

NO "PLEASING EVERYBODY."—Judge Stewart of the "Admiralty Court at Halifax has been subjected to some strictures from the Provincial Press for the course he has pursued "in the Chesapeake case. Some have been disposed to charge "him with deferring too much to Federal opinion. If the Judge "has really endeavoured to keep the peace with our neighbors "by attempting to conciliate them he has evidently failed; for "the Hartford Post, the Administration organ in Connecticut, "comments upon his decision in this wise: The Judge of the Ad-miralty Court has decided to restore the vessel and cargo to "her owners, subject to such conditions respecting the payment "of the expenses as the attorney general may exact. The latter

,demands surety against latent claims. This is a very good "thing in the way of justice. A man comes up to you on the street, knocks you down, carries off your wallet and is arrested and taken to court. It would naturally be supposed that when the case came into court, the thief would be tried for the robbery; "but the neutral Bulls have other views. They try the case to see "whether the money which the thief has stolen from you, shall be "returned to the thief or restored to the owner, with the hope "and expectations of finding some excuse for giving it to the "thief. Such is justice with the neutral Bullies."

The insinuation in the St. John paper that he was trying to please everybody, and the charge in the American paper that his decision was an outrage are best answered by the terms of his judgment. He says, "I have been much embarrassed in dealing with this case. To grant this application (the restitution of the vessel and cargo to the owners) will be entirely within the rules applicable to it, for on the facts sworn to, the taking was undoubtedly a piratical taking. But in its origin, in its position before the Court, in the mode of the reception in short in all the concomitant circumstances the case is very peculiar. I was therefore in the absence of decided cases, obliged to recur to, and rely on for my guidance those principles which lie on the basis of all law and I do not think I shall be acting unbecomingly in referring for a few moments to those principles." Then after luminously discussing the rights of independent States he proceeds. "Then if one of the Queen's subjects had violated the municipal law as flagrantly as the captors of the Chesapeake have outraged the international law, and such violation would have (as it unquestionably would) subject the offending vessel to forfeiture, shall those who have violated the higher law be subjected to a less penalty. Assuredly not. Then as to the disposal of the forfeited vessel. It were derogatory to the Royal dignity to add the proceeds of property which had belonged to the citizens of a friendly nation to the privy purse of the Queen, and it would as little become the honor of the British nation to make profit out of their misfortunes. What

more appropriate mode of dealing with this vessel, and cargo than to retsore them to their original owners, not as a favor to them, but as an act of justice to the offended dignity of the Crown, not as recognizing any right of the Government of the United States to require such restoration, but as a fit punishment of the offenders, and a warning to others? The law which the Queen, and the Parliament have prescribed to enforce the obersvance of her neutrality is to be found in Her Majesty's proclamation, and in the Statutes under the authority of which it was issued. Is the offence which I have suggested against the municipal law, or can any offence be more serious than that by which the British nation might be drawn into the sad contest which has desolated, and is still desolating one of the fairest portions of the earth."

This decision, parts only of which have been extracted, in itself is sufficient to place the name of Alexander Stewart among the most eminent Judges who have filled that high office in Vice Admiralty Courts. It was regarded both in England and the United States as an able, and correct exposition of the International law on the subject. Numerous complimentary, and appreciative letters were received by him from both countries, some of which being official are to be found in the Public Records of the Province. Among others one from W. H. Seward, Sec retary of State of the United States, and which was laid on the table of the House of Assembly at the time.

#### CHESAPEAKE.

"Hon. Receiver General, by command of His Excellency the "Administrator of the Government, laid on the table copy "of the following despatch from Lord Lyons, Her Majesty's Ambassador "to the United States, to the Administrator of the Government "enclosing copy of the annexed letter from the United "States Secretary of State to the American Consul at Halifax:—

WASHINGTON, FEB. 29, 1864.

"SIR,—I had on the 22nd instant the honor to receive your "Excellency's despatches of the 16th and 18th inst., relative "to the case of the "Chesapeake".

I have the honor to transmit to your Excellency herewith "a copy of a despatch which has been addressed by the Secretary of State of the United States, to the United States Consul at Halifax, and which will make your Excellency acquainted "with the view taken by this Government of the case as it now "stands.

"A copy of this despatch was given to me by Mr. Seward the "day before yesterday. With his permission I send copies to "your Excellency and to Earl Russell to-day.

(Signed.) LYONS.

His Excellency Major Gen. Doyle.

WASHINGTON, FEBRUARY 24TH, 1864.

"SIR,—Your despatch of February 17th, No. 28, has been "received. I learn from it that the Court of Vice Admiralty "has decreed that the "Chesapeake" and her cargo shall be "delivered to her owners on the condition of the payment of "costs.

"Under the President's direction, I shall make this proceeding the subject of a communication to H. M. Government. In the meantime, I think it not improper to inform you that this Government, while it adheres to the opinion "that the delivery of the "Chesapeake" ought to have been "made promptly and unconditionally by Executive authority, "is, nevertheless, gratified with the just and friendly proceedings H. E. the Governor of Nova Scotia in the premises, and "appreciates the enlightened and impartial spirit by which the "Vice Admiralty Court has been guided in a case attended with "some embarrassment and much local excitement.

"The Secretary of the Navy will be informed of your views  
"in regard to the necessity for a convey of the "Chesapeake."

I am, &c.,

(Signed), W. H. SEWARD.

Lord John Russell on behalf of the British Government expressed himself in equally flattering terms on the merits of the decision. But as already indicated it subjected him to much unfair criticism. The truth was that amid the excitement and passions aroused by this unfortunate incident Stewart alone kept his head. Lawyers as well as laymen found themselves in this sudden and unexpected juncture utterly unprepared, and not until Stewart pointed out the way was it understood what should be done.

His posthumous reputation might easily rest on the Chesapeake case alone. In it are displayed that sound knowledge of principles that firm grasp of facts, and that ripe, and independent judgment which were always characteristic of the man, but never more so than in dealing with this case of international importance, presenting novel and difficult questions in the fact of a hostile community. He died in the following January, so that the case practically closed his judicial career.

Those of his Chancery decisions which have come down to us have already been referred to.

On the outbreak of the Russian War in 1854, he was, on the recommendation of the Right Hon. Dr. Lushington, Judge of the High Court of Vice Admiralty in England appointed the only Prize Court Judge in British North America, an office which he filled until the end of the war. While no prizes came before him for adjudication under this Commission, it is worthy of mention that a large number of cases were tried before him in the Vice Admiralty Court, seizures of American vessels for violation of the treaty. Although a number of these were taken before the Authorities in England, in no instance were his deci-

sions set aside or modified. Both the appointment, and the correctness of his decisions bear strong testimony to the reputation he enjoyed of being properly versed in international law and practice.

It is now necessary to relate the history of the abolition of the Court of Chancery and his action on a public matter so seriously affecting his position.

The Statute which brought about the extinction of the Court was passed in the Session of 1855, but did not come into operation until 1st August, 1856, when the Court of Chancery in this Province finally ceased to exist.

As was natural, even incumbent on him, Stewart defended the character of the Court with his usual vigour and ability. Now after the lapse of half a century when the actors have passed away, and the arguments *pro* and *con* can be considered dispassionately it must be conceded that he had the best of the controversy. It is a matter of history that for years before constant and growing complaints had been made in the Legislature and outside against the Court of Chancery, against its delays, its antiquated procedure, and the heavy expense of the litigation carried on. These complaints, however, had been directed against the Court in the time of his predecessors. As already mentioned among his first acts after his appointment were the publication of a series of new rules, and orders lopping off most of the objectionable features in the practice, and reforming the procedure. But the stigma remained, and it was a popular subject of attack. Stewart himself was not a favourite with the prominent lawyers on either side of the House. With some of his assailants the old time enmity still remained, and he enjoyed the doubtful friendship of his quondam friends. His temper, and independence of character were not of a kind to win support, and he was not the man to stoop to any methods for enlisting it. The abolition of the Court was of course a serious blow to him financially, and the Legislature at first, certainly the House of Assembly, were disposed to depose him without even allowing a

retiring pension. But in those days the Imperial Government was a factor which the Legislature had to take into account, and no act perpetrating such an injustice would have been allowed.

The first attack was made in the session of 1849 when under a resolution of the House of Assembly a Commission was appointed to inquire into the general jurisprudence of the Province. On this Commission Messrs. Howe, Johnston, Young, Harrington, Kenny, Marshall and Creelman were named, but nothing appears to have come of this Committee. Matters appear to have rested for two years, when in 1851 a resolution passed to appoint a select committee to take into consideration the propriety of abolishing the Court of Chancery. On this Committee were appointed Johnston, Marshall, Harrington, Young, Henry, Killam and Fulton, and on the 28th March, 1851, Mr. Henry reported, or brought in a bill to abolish the Court of Chancery and to transfer Equity jurisdiction to the Supreme Court. This bill actually passed the Lower House, but was rejected by the Legislative Council. As a result of this Mr. Johnston brought in a resolution to appoint a Commission to enquire into the practice, and proceedings of the Courts of law and equity, with a view of the transfer of equity to the common law jurisdiction, if it be practicable, and to prepare a bill. The members of the Commission were the Chief Justice Halliburton, Mr. Justice Bliss, J. B. Uniacke, and W. A. Henry. Their report is to be found in the Journals of the House of Assembly of 1852, Appendix No. 73. In this report they made no recommendation, but in the session of 1853 their final report was made which will be found in the Journals of the House of Assembly of that year, Appendix No. 16. The Commissioners were unable to agree on any report, but submitted their individual views. Mr. Young, afterwards Chief Justice, submitted his own in favor of the abolition of the Court, which certainly do not display any very profound knowledge of the subject. On the other hand the Chief Justice and Mr. Justice Bliss in able papers discuss the important question in the light of the great experience as Judges, and keen appreciation of the difficulties involved, and point out the inexpediency of such a radical change.

The most complete and able defence, however, was made by Stewart himself in which he met the charges of those urging the abolition of the Court with an array of facts and arguments to which no answer was then or afterwards attempted to be given. Strange to say that Stewart's paper although addressed to the Commissioners, and written at their request, was not published in the Journals of the House, although he asked that it should be there side by side with the report of the Commission. He took good care however that it should be preserved by having it recorded in the Record Books of the Court of Chancery.

The fate of the Chancery Court was sealed irrespective of reports. The Act already referred to was brought in, and passed by both Houses, but the Governor reserved his assent until the Home Government was first consulted. Stewart, however, once he saw the abolition was determined upon by the Legislature made no further opposition—in truth foreseeing that the measure would pass in any event he threw no further obstacles in the way. Considerable difficulty arose between himself and the Government in regard to his pension. It had by this time been discovered that the Home authorities would not allow the Act unless provision was made for the Judge. An offer was made to Stewart of a seat on the Supreme Court Bench, but as precedence according to the date of his Commission was refused, with that proud spirit he ever showed when his rights were involved he declined it, although his pension was less than the salary of a Supreme Court Judge.

The honourable course pursued by Stewart in connection with the abolition of the Court of Chancery and the high estimation in which he was held is best exemplified in a despatch from the Lieut-Governor, Sir Gaspard Le Marchant, to Lord John Russell, dated May 2nd, 1855, some extracts from which are now given.

"Having had occasion in my despatch No. 48, dated May 1st, 1855, to mention the creditable conduct of the Master of the

Rolls in facilitating the passage of a measure which was deemed beneficial to the Province, though it is detrimental to his own interests, I consider it my duty now to submit for your Lordship's consideration the accompanying application from the Master of the Rolls that some mark of the Royal favor be conferred upon him of the like nature as was granted to Sir Rupert George at the instance of Sir John Harvey, when he ceased to be Provincial Secretary.

I have already in my despatch No. 50, dated 30th August, 1854, expressed the sense I entertained of Mr. Stewart's public services, and I perceive among the testimonials that he has been once honored by a communication from your Lordship. His long public career, extending over a period of 29 years, and the high judicial office he has held, the duties of which he has performed so creditably to himself, and so satisfactorily to the community may, I hope, be the means of inducing your Lordship to recommend this gentleman for some such distinction as those suggested. Such an honor having a value not merely Colonial, but Imperial conferred upon one of Her Majesty's Colonial subjects, who had honorably distinguished himself in Her Majesty's services would be prized in the highest degree not only by the recipient himself but also by his fellow colonists, as tending to confirm their union of interests, and advantage with those of Her Majesty's subjects in the mother country." To this Lord John Russell replied on the 20th July, 1855, after referring to Sir Gaspard's despatch, he says: "I have to inform you that your recommendation of Mr. Stewart has been attended to, and that his name will be submitted to the Queen for the honor of being appointed a Companion of the Civil division of the most Honorable Order of the Bath as a mark of Her Majesty's Royal approbation of his services under the Crown."

The despatch referred to by Sir Gaspard Le Marchant No. 50, 30th August, 1854, is important as giving the opinion of previous Governors of his services. Stewart had applied, and applied in vain to the Imperial Government to award him a fixed

salary as Admiralty Judge. The despatch says, "Mr. Stewart accompanies his application with a statement of his services he has rendered to the Imperial Government in his capacity as Judge of Her Majesty's Court of Vice Admiralty at Halifax, and I beg most respectfully to request your kind and favourable attention to that memorial. My predecessors in this Government, Lord Falkland and Sir John Harvey, under whom Mr. Stewart held this appointment, have both of them spoken highly on several occasions in their public despatches of the Judge's claims on the consideration of the Imperial Government, and to their recommendation I beg to add my own. I am also happy in having this occasion of placing on official record for the information of Her Majesty's Government my own sense of the services rendered by Mr. Stewart both to the Province and also to the Crown in his twofold capacity of Master of the Rolls, and Judge of the Vice Admiralty Court, and I hope that in bringing this memorial before his Majesty's Ministers you will be pleased to give the same your kind and favourable support, &c., &c."

In relation to the same subject an extract from the letter of the Provincial Secretary the Honorable Joseph Howe, on the 30th March, 1855, may be given. "His Excellency commands me to express to you his gratification at your ready acquiescence, so far as your own personal interests and wishes were concerned, in the views of the Legislature in consequence of which he will be enabled to recommend the Act for the abolition of the Court of Chancery to the favourable consideration of Her Majesty."

These public documents bear high testimony to the broad minded spirit in which he bowed to the will of the Legislature, and show that no narrow selfish interest could induce him to throw obstacles in what that body thought was an impediment in the administration of justice. After the spirit he had displayed in this matter one would have looked for generous treatment and consideration by the Government of the day. But it was far otherwise. It is difficult to believe that public men—old opponents it is true—could descend to tactics so unworthy as

to endeavour to deprive him receiving the mark of distinction for which the Governor recommended him, but the Provincial Records disclose that the members of the Government addressed the Governor in a Minute dated 4th Dec. 1855, protesting against the conferring of any such honour. That protest was signed by Tobin, Young, McNab, Creelman, Henry and Wilkins. The minute states that the attention of the Council has been called to Mr. Stewart's letter enclosed in Sir Gaspard's despatch of April, 1855, and Lord John Russell's despatch of 20th July, 1855. That Mr. Stewart's judicial services do not in the opinion of the Council entitle him to the honor above other public men whose public services have been greater and more entitled to distinction. That the mere rumour has caused dissatisfaction among the party supporting the Government and they express a hope that if the distinction has not yet been conferred that Her Majesty's Government may interfere to prevent it taking place. That the claims of other public men were much stronger than his, and that it would create much irritation among a large portion of Her Majesty's subjects in the Province. Sir Gaspard gave these gentlemen a quick and effective rejoinder by informing them that bestowing of honours was the prerogative of the Crown, and he was therefore under no obligation to consult his Council as to the persons on whom they should be conferred, and that if he had done so it would follow from their mode of reasoning that no one who was not of the same party as the Council could ever receive such honours, and that he considered their action an infringement on the Royal prerogative. In this view the Governor was fully sustained by the Home authorities. The Secretary of State for the Colonies, Mr. Labouchere, in answer to the despatch communicating the Minute of Council says, "Although the opinion of your Council in matters of public importance relating to the Colony are entitled to the greatest consideration, yet in the present instance Mr. Stewart's name has been submitted to Her Majesty for the distinction as you were informed by Lord John Russell's despatch of July last. Her Majesty's Government therefore connot interfere on the present occasion, they would in doing so cast an unmerited reproach upon the name, and character of Mr. Stewart

without anything to justify it..... You are not bound by such opinion (the Council's) and must exercise your own general discretion in recommending parties for Honorable distinction which are to be conferred for merit and services, irrespective of party, and which will be approved of by the entire community."

So was defeated this ingoble attempt on the part of his adversaries to prevent the bestowal of a well deserved honor. First they tried to drive him off the Bench without compensation of any kind, then confronted with the impossibility of obtaining Imperial sanction to the Act of abolition without providing a pension, they fixed it at the smallest figures possible, and lastly did their utmost to thwart him in the reception of those honours which the Sovereign was recommended to confer. To close this incident in his career on the 18th February, 1856, when he was in London he received the following notice:

SIR,—The Queen having been graciously pleased to command that an Investiture of the most Honorable Order of the Bath shall be holden at Buckingham Palace on Friday next, the 22nd inst., at a quarter before three o'clock precisely, I have the honor by Command of His Royal Highness the Prince Albert, great master of the orders to apprise you thereof, in order that you may attend Her Majesty on that day for the purpose of receiving the Insignia of a Companion of that Most Honorable Order.

I have the honor, &c.

ALBERT W. WOODS.

Lancaster Herald & Gentleman Usher of the Order.

He attended at the Palace as requested, and on that day the Queen personally affixed to his breast the decoration, and immediately thereafter he attended the Queen's Levee, and was presented. Among the large number of presentations on that occasion is the following notice. "Mr. A. Stewart, Judge of the Vice Admiralty Court in Nova Scotia on receiving the Order of the Bath by Mr. Secretary Labouchere."

Among other press references to this event is the following taken from a New Brunswick paper expressive of the high estimation in which he was held:

"The Gazette of February 5th announces the appointment, by Her Majesty, of the Honorable Alexander Stewart, of Nova Scotia, to be a Companion of the Most Honorable Order of the Bath.

The Honorable Alexander Stewart, C. B., is well known in New Brunswick, as a distinguished Member of the Bar both in this Province and in Nova Scotia. He is a native of the latter Province, where for many years he took a leading part in politics, and having displayed great ability in his profession, he was advanced to the dignity of Master of the Rolls in Nova Scotia, and also appointed by the Crown, Judge of the Court of Vice Admiralty in that Province.

As Master of the Rolls, the judgments of the Honourable Mr. Stewart were always marked by great ability, and evinced a vast store of legal learning. It is creditable to the soundness of his opinions, that although appeals were several times taken, not one of his judgments was ever reversed or modified. When the Court of Chancery was abolished in Nova Scotia, he offered no opposition to the change, but retired on an allowance, retaining however his position as Judge of the Admiralty Court, which he still holds.

The appointment of the Honorable Mr. Stewart to the Order of the Bath, is a high mark of Her Majesty's approbation of his abilities and merits, and very likely may be only the forerunner of still higher promotion."

Stewart was naturally very proud of this honor coming as it did from the Imperial Government when such honors were much more rarely conferred on colonials than they are today. In a communication to the Governor, he says "And I shall be deeply grateful if my children, friends, and fellow subjects shall have

it in their power, if I am considered worthy of any such distinction, to point to it as a proof that public services performed in a colony and by a colonist may lead to Imperial honors as surely as when performed in England under the more immediate eye of the Sovereign."

A short reference may here be made to what followed the abolition of the Court of Chancery. This can best be stated in the following extract taken from a paper read before the Historical Society of Nova Scotia on the "History of the Court of Chancery in Nova Scotia."

"Whether on the whole a mistake was committed in abolishing the Court of Chancery or not is fairly open to argument. Looking at the question in the light of experience I come to the conclusion that the administration of law and equity by one tribunal is the best and most conducive to the interests of suitors, and in so far as that was the object of the legislature it was wise. This object, however, was not accomplished except in name for our legislature of that day had not grasped the basis on which the fusion of law and equity could be brought about. Indeed it was not successfully accomplished in England for many years after, and then only after the most patient, and searching investigation by the greatest legal minds in the country. What it did effect was a serious muddle in the administration of justice, and its result was most injurious in its effect on the legal profession. It is easy to destroy an old existing institution, but it takes time, men of genius, knowledge, and experience to reconstruct. The best evidence of the mistake then committed was that in the very short period of eight years the Legislature found it necessary to reestablish the same Court under another name. the Court of Equity—to the Judge of which all equitable business was again exclusively assigned. Great injury was brought upon the legal profession by the abolition of the Court of Chancery in leading to the neglect of the study of equity jurisprudence. The lawyers of the succeeding generation, and until the Judicature Act was brought in devoted

their energies almost entirely to the Common Law, not realizing the necessity, they rarely acquired any thorough knowledge of equity principles, and procedure. Equity as administered in the Courts of law—at least up to the time the late Mr. Justice Ritchie became Equity Judge—was not remarkable for its depth and learning, and adherence to sound principles, and there was little encouragement to pursue it."

Stewart was still living when the Court was re-established, and thought the position of Judge in Equity should first have been offered to him, but strange to say his old rival for the seat, the Honorable James W. Johnston, was again a claimant and accepted the Judgeship. Mr. Johnston's claims were doubtless very strong, as he had been in the service of his country in the Legislature for a very long time, and ranked high in the legal profession.

Very little of Stewart's private correspondence has been preserved, which is greatly to be regretted, as he excelled in this respect. Moreover, no better index of a man's mind and characteristics is to be found than in that free and natural interchange of sentiment not at the time intended for the public eye. Some extracts from a correspondence carried on between himself and one of his grandsons, a student-at-law, during the last five years of his life, throw some light on his character, and the pervading ideas of his life. He was greatly interested in the education, and future career of this grandson, and these letters were written to him from time to time for his guidance, and instruction.

In a letter, 16th March, 1861, to him, at that time an undergraduate at Kings College, Windsor, he says:

"Next to accurate knowledge of the facts is the care required to use the precise word which radically, grammatically, and idiomatically expresses the idea you wish to express, and finally a careful revision and correction of what you write. Don't labour after metaphors and similes at first. They will suggest

themselves if I may so express it in due time. Seek only to write clearly, to use the most appropriate language, and to understand what you are writing about. I have drawn your attention to these matters for general use. But it is so much the view of Nova Scotians to regard gab as everything, that you cannot be too careful in laying up accurate knowledge and accustoming yourself to reject everything as knowledge until you are sure that it is accurate. To myself who have been studying the principles of British Institutions political, social, and civil more than half a century, the trash which is the staple of our Parliamentary passages is inexpressively offensive. Fraud and mendacity, cheating and lying are charges freely made on both sides of the house, and if not among our household gods, are assuredly becoming household words among us, nor do I see any chance of amendment. In the United States the fruit of unlicensed speaking, and printing is overspreading with their noisome exhalations the whole land. Meanwhile for young and old, for you and me there is a better country near to me, but probably a few years further off from you, which may be obtained by all who rightly seek it, among whom I trust you and I are to be numbered."

Again on March 23rd, he writes on the subject of self reliance. "As to self reliance the few govern the many. The great majority of men lean upon others. It is energy, superior energy, indomitable will, fixity of purpose, that distinguish the men of mark from their fellows. These are the qualities which have placed Howe, Tupper and Johnston in the foremost ranks in our own little country. Pitt the elder and his scarcely less distinguished son endured no contradiction. Pray don't skim over anything you read. If worth reading at all, it ought to be thoroughly understood. One page thus read is worth a volume skimmed."

His deep religious feeling is shown in the following letter addressed to his grandson on the completion of his College course, dated 26th June, 1862. "Your highly creditable termination

of your collegiate course could not but give one great pleasure. Be it your earnest purpose to realize the hopes which it will excite in your friends, and above all things never forget that though Paul may plant and Appolo water, it is God alone that gives the increase. Never forget that it is to Him only you must refer all your doings, and come weal, come woe, depend on it 'finis coronat opus.' "

On the 16th Nov, 1862, answering an enquiry as to the desirability of committing to memory a book of legal maxims, he says: "The maxims you refer to are very good in their way, but they must ever be regarded *cum grano salis*. Paley will tell you 'that the general consequence of any act overrules the particular consequence of it.' And I tell you that law is a system of complicated rules adapted as far as possible to the ever varying conditions of society binding the Judge as well as the suitor, and prohibiting the former from deciding '*secundum esgum et bonum*' in the particular case before him". He then adds "I do not think you will find in either the Book of Maxims the following, but I recommend you to commit them to memory, and habitually act on them:

1st. The prayer commencing "Pater noster, and ending with "seculas seculorum."

2nd. Whatsoever ye would that men should do unto thee, do ye even so unto them.

3rd. Live within your income whatever it be, and don't believe any person who tells you, it is impossible.

4th. Never shut your ears, or your heart or your pocket to the prayer of the poor.

5th. Gather gear by every wile that's justified by honor.

"Not to hide it in a hedge  
Not for a train attendant  
But for the glorious privilege  
Of being independent."

You may rely on it that no man can be independent who is in another man's reverence, as the Scotch express it,

On the 2nd Dec, 1862, he writes:

"What I wish to impress on you is not the desire to accumulate wealth for its own sake, but to avoid poverty with all its attendant degradations for your own sake. And this is to be done by attention to the halfpennies, and pennys, the dimes and the cents. Above all avoid the error of looking down with lofty contempt on those who act on the principle of legitimate economy."

On January 20th, 1863, in referring to the state of public morality, he says: "The truth is the success of \*\*\* impels me to think that honesty is not the best policy, but I am too old to act accordingly. The '*mens conscientia recti*', however, to speak plainly is a valuable possession. Never part with it. It is its own reward. It is better than learning of which it is said or sung:

"When houses, and lands are gone and spirit  
"Then learning is most excellent."

Another instance of the spirit which permeated all his actions and feelings is found in the following letter of January 23rd, 1864. Apparently a newspaper criticising severely and harshly his course in the celebrated "Chesapeake" case had been sent to him by his grandson. After stating that he had read, and immediately burnt it he says, "Let me impress it on you as a rule never to be departed from, on no occasion to be the messenger, or communicator of disagreeable things to any man, except a sense of duty impels you to do so. Sedulously avoid this, and you will find it a useful principle to guide you, as you jog along through life, and moreover never let any person whomsoever communicate to you anything disagreeable, or what has been unkindly said of you. 'Don't listen to it, unless indeed it affects your integrity and calls on you to vindicate your character. But gossip avoid as you would poison.'" Then referring

to the criticism on himself, he adds "But the freedom of the press is essential to the purity of the administration of justice and therefore undeserved censure is not unacceptable to me. Wrong I may be but it would be much more gratifying to me to see by the writings of the authors of the various strictures on my conduct, that the writers really understood what I did say." He then adds that the newspapers had absurdly misrepresented what he had said.

A very pleasing insight into his disposition is to be found in a letter to his grandson, dated April 18th, 1864—who had written in an angry spirit to him in regard to an office which had been promised but not obtained. He says: "You are, or will be disappointed in not obtaining an office. I was turned out of my office at an advanced age by Mr. Howe, Mr. Johnston and Mr. Young. It never entered into my mind or heart to cherish revenge on them therefor. Never in the whole course of my life did I wittingly do anything to revenge myself on any man. Vengeance is mine saith the Lord, and I will repay. I earnestly adjure you to forcibly wrench from your mind all vindictive feeling. But the violent animosity to which you give utterance ought to be subdued. Depend on it you will be happier, and in the end more prosperous than by indulging in so corroding a passion as revenge. If the religion of Christ be the truth, and you believe it to be the truth, if you do not abandon that purpose you must in future omit that part of the prayer he taught his disciples, viz, 'Forgive us our trespasses as we forgive them that trespass against us', or make a special exception as regards \*\*\* But my maxim was and be it yours—

'Here's a hand for those who love me  
And a smile for those who hate,  
And whatever sky's above me  
Here's a heart for every fate.'

Get your profession, attend carefully to your business, gather gear, and everything else will follow in due time."

"I hold it, he says, to be a religious duty. If a man makes a promise to his hurt to keep that promise good. This, and the rule to do unto others as you would that they should do unto you will be found very useful in your progress through life, and in judging of men, and their conduct, do as is your mother's invariable wont, always put the kindest construction on their motives, and conduct."

This correspondence, a small part only of which is given here presents in a striking manner the innermost sentiments of the man, his high culture, his deep and strong religious and moral feelings, his practical wisdom in the affairs of life, and the lofty, christian spirit which actuated, and guided his conduct in all his dealings with his fellow men. Although a successful man, eventually gaining the highest hopes of his ambition, as these memoirs have disclosed, he was destined to encounter many obstacles in his road through life. The joy of victory must have been saddened by the persistent malignity of his enemies jealous of the honors he won for himself despite their determined efforts to thwart him. His courageous spirit never bent beneath theirs worst attacks, and his "*Mens conscienti recti*" sustained him in the proud consciousness of the uprightness of his conduct, and purity of his motives.

Before turning to the last year of his life some account of his family should be given. As already stated his wife lived for twenty eight years after his death. Of his children four daughters and one son survived him. The eldest daughter Elizabeth married the Reverend George Townshend, Rector of the Parish of Amherst, the second Mary married the Honorable Senator Dickey of Amherst, the third the Rev. Donald Bliss, Rector of the Parish of Westmoreland, Province of New Brunswick, and the fourth Lt. Col. H. W. Clerke, formerly a Captain in H. M. 62nd Regt. His only son, Lt. Col. Charles J. Stewart, resided in Amherst until the death of his father and then removed to Halifax. With the exception of Mrs. Clerke all the members of his family were thus settled in Amherst and its vicinity, forming

with their children a loving and interesting society. With their husbands they exerted a leading, and useful influence in the religious and social affairs of the place which up to the time of his death was still a small country town. As their children grew up to manhood they gradually took important positions in the social, political, and business affairs of the place and county.

#### LAST YEARS.

The last decade of his life just filled the period between his retirement from the Chancery Bench and his death. After the abolition of the Court with the exception of his duties as Judge of the Vice Admiralty Court, at that time not large, his occupation was gone. A busy life of unremitting labor had come to an end. He was still in the full possession of his intellectual power, and in comparatively good health. His mind, always active loved work for its own sake—it was his second nature. From his earliest years he had been trained, or trained himself to the habit of constant, unceasing application to whatever demanded his attention. His professional duties at the Bar—his political duties in the Legislature and in the Government, and his judicial duties on the Bench had afforded him that full measure of work which was so congenial to his nature. The abrupt termination of his hitherto laborious life now brought about left him at an age when it was too late to begin anew, in a most unhappy position. It was not that he had not ample means to live upon, for he had wisely provided against such a contingency. What was he to do to fill the void. It was in his view unbecoming in one who had filled the high position of Master of the Rolls of the Province to resume either professional, or public life, although he was sorely tempted once more to enter the political arena. Always in his most busy days fond of reading he now strove more earnestly to find a resource in the current literature, and scientific questions which were constantly coming for discussion. In these he took a great, and intelligent interest, but trained as he had been in the school of legal, and political life, such occupation did not fill the void.

He pined for work in keeping with his past activities, something which would preserve him from the rust of idleness. This complete change in the habits of a man of his temperament, his energies not yet blunted by old age, had the most baneful effect on his health. This change did not come about at once, but gradually in the course of the few remaining years of his life it began to tell on him with ever increasing rapidity until the foundations of a naturally strong constitution were sapped.

As soon as the business of the Chancery Court was wound up he went abroad with his family, travelling in England and on the Continent, enjoying the society of his many friends in the old country. He spent a year or more in this way, and returned to his old home in Halifax where he passed the remainder of his life. His restless spirit, however, rebelled against the enforced idleness of his life. Nothing could, or ever did reconcile him to this monotonous existence. In one respect, however, he was fortunate in having the comfort, and society of his children married happily and well, and all living in the Province with their children in whom he took the fondest interest. As had been his custom when on the Bench during vacation he spent his summers in Amherst, and its vicinity, where with the exception of his youngest daughter they all lived. His relations with his children, and grandchildren were of the most affectionate, and tender kind. He in return enjoyed their highest respect and devotion. He was their wise counsellor in all their trials and difficulties, and for those who needed it his purse was always generously open. Through his paternal influence the bonds of affection and family unity were preserved amongst them all so that notwithstanding the numerous connections and divers interests there was no sound of discord to be heard. Such was his life, varied with an occasional visit to England and in daily intercourse with those of his old friends who still resided in Halifax. His duties in the Admiralty Court with some few exceptions were not heavy, and he filled in his leisure hours in reading, and walking of both of which he war very fond. He died in Halifax on the first of January, 1865, about ten years after

the abolition of the Court of Chancery, at the age of seventy one. His remains were taken to Amherst where they lie in the English Church yard, alongside of which twenty-eight years later were placed those of his well beloved wife.

In a kind and sympathetic letter to his only son, Lt. Colonel Charles J. Stewart, the late Mr. Justice Dodd conveyed to the family the feelings of the Judges and the Bar. As this address expresses in eloquent terms the opinion of those who were familiar with his public, and judicial career, and were best qualified to judge his merits it is given in full. Mr. Justice Dodd who was appointed to convey the address, and resolution says, "I may add that in the loss you have sustained I have been deprived of a dear, and valued friend, whose memory I will long respect and esteem." It is worthy of note that the Chief Justice Young, one of his bitter opponents, the Judge in Equity Johnston, his formidable rival, and the late Judge Henry, of the Supreme Court of Canada, then Attorney General, all took part in and endorsed the sentiments therein expressed.

All these former opponents in political life joined with his warm friends in placing on record the proudest eulogy of his character and learning which any man could desire.

"At a meeting of the members of the Bench, and Bar of Nova Scotia held at the Law Library in Halifax on the third day of January, A. D., 1865, on the occasion of the decease of the late Judge Stewart, C. B.

His Lordship the Chief Justice in the chair. The object of the meeting having been mentioned addresses eulogizing the character of the deceased having been delivered by the Honorable Judge Johnston, Bliss, and Dodd, Honorable Attorney General, the Prothonotary, and other members of the Bar, the following resolutions were unanimously adopted.

RESOLVED unanimously, that this meeting has with deep regret to record in its minutes the death of one of the oldest

of its members, the Honorable Alexander Stewart, C. B., Judge of the Court of Vice Admiralty for this Province and formerly Master of the Rolls.

An able, energetic, and successful advocate, he was no less distinguished as a Judge by the sound leaning, and patient assiduity which he brought to the investigation of truth than by his upright, and impartial administration of the law, and the dignity with which he presided over the Court of Justice.

At this time especially when questions of International law, involving great, and momentous interests may be more likely to arise the loss of one is more deeply deplored whose studies and habits of thought, and calm and dispassionate judgment, so well fitted him for the consideration of such subjects.

He ever sought to sustain the rights and elevate the character of the Bar practising in his Court, and his kindness, and courtesy in his encouragement of the younger members of the profession will ever be held in grateful recollection, while in the fulfillment of the duties of private life he maintained an unblemished reputation.

RESOLVED, that the expression of the feelings both of the Bench and the Bar be duly published, and a copy thereof be transmitted to a Committee consisting of the Honorable Mr. Justice Dodd, the Honorable Attorney General and the Honorable the Solicitor General to the family of the deceased, with an expression of the sincere sympathy of the whole profession in the bereavement they have sustained.

FURTHER RESOLVED, that the Bench, and Bar do attend the funeral in a body, and do wear crape for the period of one month."

Such addresses, and resolutions are in many cases mere perfunctory performances, but it may safely be left to those who have pursued these imperfect memoirs to say whether they do not genuinely represent the estimation inwhich he was deservedly

held by his fellow citizens at the time of his decease. No words could sum up more accurately, and tersely the general tenor of his life, and conduct, and judicial acquirement. Nothing more is needed to show that Alexander Stewart was a man well worthy of the respect, and admiration of his fellow countrymen, and that his name justly deserves to be handed down to future generations.





## RECORDS OF CHIGNECTO.

BY

W. C. MILNER.

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The Isthmus of Chignecto, is a country of low lands and marshes, with rivers running southerly into the Bay of Fundy and northerly into the Gulf of St. Lawrence, and four upland ridges terminating abruptly at the Bay of Fundy side and running out north-easterly. The first one is the Fort Lawrence ridge, two miles from Amherst. This is the site of the former Acadian settlement of Beaubassin, next to Port Royal, probably the most ancient in Acadia. The English erected a fort there, a portion of the breastworks of which may still be seen. The I. C. R. cuts through this ridge and slices off a corner of the ramparts. A quarter of a mile further west, is the Missiquash river, at present the boundary line between New Brunswick and Nova Scotia. The Treaty of Utrecht not having assigned any boundary between English and French territories, the French adopted this river as the boundary between the two powers. The rival garrisons at Fort Lawrence and Fort Beausejour, separated by a river and a mile of marshes—exchanged sometimes civilities and sometimes pot shots across this river. On the western side of the river is an island in the marshes now known as Tonge's Island. In the old French days it was known as Isle LaVallieré. The manor house of the seigneur de La Valliere occupied this ground in 1677. It was from this place that he administered the government of Acadia when appointed governor by Frontenac in 1686.

A mile further west the I. C. R. circles around the promontory of Fort Cumberland, the old Beausejour of the French. The embankments and entrenchments are still to be seen from

the train, and the old powder magazine still resists storm and time. It ceased to be a military post in 1833; but it is only within thirty years that the ancient casemates have fallen in and the old barracks dropped into ruins from age. On the third ridge four miles further west is the town of Sackville, the ancient Tantramar of the French. On the west side of Sackville ridge is the town of Dorchester. The fourth ridge is westerly two miles between the Memramcook and Petitcodiac rivers. On it were located the Memramcook and other French villages. This, as well as other parts of the Isthmus, has been the scene of continuous conflicts in other days—when France and England were at war, and generally when they were not at war.

The struggle between England and France, and afterwards between England and the revolted colonies for the possession of the Isthmus of Chignecto, arose from a conception of its value and importance as a strategical position. In times of peace, its trade was valuable; in times of war, it became virtually the key of Acadia. With it in possession of the French, no English settlement in Acadia was safe. In possession of the English, the French settlements on the St. John River and along the St. Lawrence to the walls of Quebec could be menaced. Therefore the government of Mass. Bay always gave marked attention to all movements in this locality.

In 1696, Capt. Church from Boston appeared off Beaubassin, in whale-boats, with a force from Massachusetts Bay to raid the settlement and to assert British authority.

In 1703, Vaudreuil, Governor of Quebec, sent Beaubassin, son of La Valliere, the Seigneur of Chignecto, to ravage the country from Casco to Wells. Beaubassin was a noted Indian fighter, as ruthless as he was daring. He divided his French and Indian force into bands and assailed fortified places and houses at the same time, sparing neither the white hairs of old age, nor the infant at the breast of its mother. It seemed as if at the door of each dwelling a hidden savage found its prey. All were des-

troyed or taken into captivity. Three hundred persons were massacred at their homes. The next year the government at Boston determined on reprisals. The venerable Capt. Church, whom the recital of the ravages of the French had filled with indignation, came on horseback sixty miles to Boston to offer his services. A punitive expedition to Chignecto was organized, and a little later a fleet of whale-boats suddenly appeared in Beaubassin and ravaged the settlement again.

Governor Shirley of Boston writes to the Duke of Bedford in 1749:—

"The French are determined to obstruct British settlement "in Nova Scotia as much as possible, especially in Minas and "Chignecto, which are districts absolutely necessary to be se- "cured, and that the making of English settlements there will "be no slight work, nor be held when effected, without a regu- "lar fort strongly garrisoned between Bay Verte and Beaubassin, "and that I cannot but look upon the point now in dispute—the "boundary line—as what must finally determine the mastery of "the continent between the French and English."

At Chignecto, Father La Loutre, a veritable pro-consul of France, reigned almost for a generation over the French settlements of Acadia and his Micmac and Milecite allies. That place served as a base of operations for the continual raids of that Prince of Courier du Bois—Bois Hebert, who as lieutenant had charge of the frontiers. It was a highway between Quebec and Port Royal and a half way house between Louisburg and Quebec. The French had made a military road from bay to bay, and, at the mouth of the Gaspereaux (Port Elgin) river, they constructed an outpost. The two posts were also connected by water for canoes and batteaux, except a short portage of some 400 yards. At that point warehouses had been erected, where military stores and merchandise were stored in transit. It was from Beausejour that Coulon de Villiers led a detachment of French and Indians in the depth of winter (1747) to attack Col. Noble's force

then billeted amongst the Acadian farmers at Grand Pre, which they surprised and massacred. It was from this place that 300 Indians issued in 1744 under de Ramesay to attack Port Royal, an attack that was repeated by the same commander two years later with 700 men.

When the Continental Congress desired to detach Acadia from British rule, an expedition was organized at Boston (1776) under Colonel Eddy, a resident of Chignecto, to capture Beausejour, then Fort Cumberland. He actually laid siege to the fort, but was beaten back by the garrison under command of Major Batt, assisted by the newly arrived Yorkshire settlers. From these various movements, it may be seen as a military base it was probably held in higher value in those days than any other position in Acadia.

From Biencourt to La Valliere was about 70 years; from La Valliere to La Loutre's departure was about 80 years; from La Loutre to the present time is about 155 years. Therefore the European history of Chignecto spans a period of nearly 300 years.

The history of this district embraces four periods:—

- 1st. Acadian settlement
- 2nd. New England Immigration.
- 3rd. Yorkshire Immigration.
- 4th. Loyalists.

#### FRENCH OCCUPATION.

Christmas in the year 1610 was celebrated by the governor of Port Royal—Jean de Biencourt, with a little colony of 23 persons. It had then been established five years, or one year longer than the Jamestown settlement of 120 persons from London. That was the beginning of colonization in Acadia. The 50 or 60 French families D'Aulnay brought to Port Royal twenty-five years later, are the original stock from which the Acadians

have sprung. Thirty-six years later (1671) they had expanded to 400 persons, divided into 67 families.

It was from these that the first settlement at Chignecto took place.

The first European who visited Chignecto, of whom we have any record, was Diego Homen a Portuguese settled at Venice. In 1558 he voyaged into the Bay of Fundy and made a map showing Chignecto Bay. It is probable that Portuguese and French fishermen cast their nets into these waters even before that date. Cartier and Boberval did not go so far South. Champlain sailed with De Monts into the Bay of Fundy in 1604. The next visitor of whom we have a record is Biencourt.

Jean de Biencourt with four Indians made the trip accompanied by Father Biard, a member of that Order, whose sons forced their way through trackless wastes of the vast solitudes of the west planting the cross and watering it with their blood.

Father Biard in his record of the trip says: "At Chignecto, there is a beautiful prairie as far as you can see. Several rivers discharge themselves into the Bay. The Indians number 60 or 80 souls, and they are not so vagabondish as others, because this spot is more retired and more abundant in chase for food. The country is for the most part agreeable and to my mind of great fertility if cultivated."

Caulfield writes to the Board of Trade in 1715 of Chignecto:

"A low lying country used mostly for raising black and white cattle. Were, in our necessity supplied with about 70 barrels of extraordinary good beef. The greatest resort for the Penobscot and St. John Indians, who barter to the French great quantities of furs and feathers for provisions. They have oxen and cows about 1000; sheep about 100; hogs about 800; corn to support their families (about 50). Computed at 6000 bushels."

At this time Minas had about two hundred settled families and raised about three times as much stock. It is also recorded that at this date the catch of fish on our shores by New Englanders was 100,000 quintals per annum. A large trade was carried on between the Acadian settlements on the Bay of Fundy and Louisburg. Beef, cattle, grain and other products were transhipped over the Isthmus of Chignecto and carried down the coast in small vessels, receiving back European goods.

Thirty years later (in 1750) Surveyor General Morris reported to governor Shirley of Massachusetts that the French population had grown to:

At Annapolis	200 families
At Minas and Canard	350 families
At Pisiquid	150 families

At Cobiquid and all settlements north to the Missiquash had been burned and their inhabitants, 350 families, had emigrated beyond that river.

This was an enormous increase of population.

To keep the 700 Acadian families south of the Missiquash in order and to protect the frontiers from incursions by the Acadians and Indians, required in 1750, 1000 men, 450 of which garrisoned Fort Lawrence. At this date, there were 1000 Acadians fighting men north of the Missiquash, who had sworn allegiance to the French king; 200 regulars, 300 Indian warriors and in addition 90 Hurons, lately sent from Quebec and employed as rangers and scouts. Total 1,600 men, ready for any enterprise calculated to harass or destroy Port Royal or the newly settled town of Halifax.

It was the policy of Mr. Grandfontain, governor of Acadia, to establish seigneuries in Acadia the same as Frontenac had granted in Quebec to his comrades in arms of the regiment of Carignan de Salieres—a regiment sent over by Louis XIV to



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protect the Richilieu and other settlements on the St. Lawrence from the Iroquois. Having accomplished that purpose they were disbanded and accorded land grants—and accordingly the seigneurie of Chignecto was granted to La Valliere, Captain of Frontenac's guard, of Chipoudy to Thibideau the miller of Port Royal, of Petitcodiac to Guillaume Blanchard, of Port Royal and some other grants were made.

In 1676, Michael Le Neuf de la Valliere, seigneur of Chignecto, obtained from Frontenac a grant of the territory between River Philip and Spring Hill on the south-easterly side and the Petitcodiac and Shemogue rivers on the north-westerly side—a lordly domain, embracing forests and fisheries, mines and marshes and the rivers and coasts of two great bays—a domain nature had generously endowed.

La Valliere was a member of the Poterie family, that came with the Repentigny family from Caen to Quebec in 1638. Talon, in a memorial written in 1667, states there were only four noble families in Canada—the two mentioned and the Tilly and Aillebout—and these were probably four too many for their own comfort. The Intendant at Quebec (1687) wrote the French Minister for aid for Repentigny and his thirteen children and for Tilly and his fifteen, stating they must have help or they will starve. The others were almost equally poor. The French *noblesse* and *gentilhomme*, when deprived of their official pay, became helpless. The profession of arms was their life. They had no taste for the strenuous toil of the backwoods settler. Their home was naturally in the army; their trade was not the pioneers' axe or mattock but the sword.

Outside of his poverty, La Valliere was a man of consequence. While he held the Commission of Captain of the Count's guards, he was a voyageur, a wood ranger, a mariner, a trader and a diplomat, and in one capacity or another was constantly on the move on the frontiers of French domain in Canada—at one time

in the wilds of Hudson's Bay and at another a beau gallant at Boston.

Having received his grant, he departed from Quebec in a small vessel with his family and retainers for Chignecto. When he arrived there, he found his territory already occupied by one Jacques Bourgeois, a resident of Port Royal and four families with him, who had settled about 1672 at Beaubassin (now Fort Lawrence).

This was the second European settlement in New Brunswick — the first being a small one from St. Malo at Bay des Verts by a fishing company in 1619. Bourgeois was attracted by the fertility of the land, the fisheries and the fur trade. The latter then was the greatest source of profit to French adventurers who ranging the woods collected vast quantities of furs. La Valliere did not attempt to dislodge Bourgeois but established himself across the Missiquash river in feudal style at Tonge's Island; he had a secretary named Hache Galand, who married an Acadian lass named Anne Cormier and their descendants to-day number hundreds of families. He had an armourer named Perthuis, and other settlers with families. La Valliere made clearings, erected stockades, cast up dykes enclosing marsh, built a mill and ran a trading vessel called the St. Antoine. The Bishop of Quebec in his pastoral visit to Acadia in 1689 sailed form point to point in her. It is said this vessel was no saint; that she classed with those African missionary ships of New England fitted out by pious hands with bibles and New England rum. In 1686, he built a church—probably the second in Acadia.

In 1677, Mr. Marsen, governor of Acadia, with head quarters at Jimseg on the St. John river, was bagged by a marauding Dutch trader cruising up the St. John river—and taken away thus leaving the governorship vacant and La Valliere was appointed by Frontenac in his place. Thus Chignecto—the exact geographical centre of the maritime provinces, became the capital of Acadia, about 70 years before Cornwallis made a settlement at Halifax.

While La Valliere was promised a salary of 1800 livres, none was paid him, and he was left to forage for himself and sustain the dignity of his office at his own cost. To do both, he gave permits to the merchants of Boston to fish on the coasts of Acadia for a consideration. In this he interfered with fishery rights previously granted by Louis XIV to Sieur Bergier and other merchants of Rochelle. In 1684 Bergier captured eight Boston vessels fishing on his grounds. He sent them to France. Two of them holding La Valliere's licenses were acquitted and Bergier had to return them to their owners and pay damages. In return La Valliere's cruiser confiscated the property at a fishing station of Bergier's at Cape Breton. Both Bergier and La Valliere carried their grievances to Versailles, but Bergier's Company had the direct ear of the Minister of Marine while La Valliere had only indirect communication *via* Quebec and he was bowled out. A decree was issued depriving him of his governorship. He afterwards returned to Quebec with his family, leaving his lands to be exploited by his son-in-law, La Villieu. He was granted a seigneury at Three Rivers, which he afterwards occupied.

During the first half of the 18th century the French settlements in Nova Scotia developed greatly in wealth and population, while practically no advance was made by the English except at Port Royal until 1749 when Halifax was settled. There was no safety or security for any English settlers beyond the range of the guns of the outposts. The policy followed by Abbe La Loutre was to harry English settlements and prevent their establishment. The Society of Foreign Missions sent him to Canada in 1737, and seven years later he was found leading an attack on the English settlement at Port Royal. In 1745, the English offered a reward for his arrest. He evaded arrest until 1755, when on a passage from Quebec to France, his vessel was captured by an English cruiser and he was sent to the Island of Jersey, where he remained a prisoner of war for eight years. Capt. John Knox writes that he saw him there in 1762, where he lived most luxuriously drawing upon London for £12 per month. He

relates that a sentinel placed over him had been a prisoner of the French in Nova Scotia, was doomed to be scalped by father La Loutre's orders who marked him with a knife around the forehead and poll in order to strip off the entire scalp. The sentinel recognizing him, unfixes his bayonet to run him through and was only prevented by force from bayonetting him. His rage was so intense that he was removed to England and exchanged into another corps. La Loutre remained a prisoner until the end of the war, when he returned to France.

In 1755, England and France were nominally at peace with each other, but the peace was only the calmness of expectancy before the storm bursts. French power in America was seated in Louisiana and Quebec and the government had conceived and were carrying out the bold policy of connecting these two domains by a chain of forts and trading posts by the Ohio, and west of the Alleghany Mountains, in order to confine the British Colonies to a strip of the Atlantic coast east of the Alleghanies and leave the whole southern, western and northern part of this continent for French expansion and dominion. Although the Colonies mustered a population of over a million and the French in Canada only fifty thousand, the military prowess of France was equal to this mighty scheme of Colonial conquest, if it had been directed here, but it was wasted and dissipated in continental battle fields. This was a period of great alarm amongst the frontier settlers and traders and of grave anxiety to the people of Massachusetts, New York, Pennsylvania and Virginia, who were alive to the menace to their existence by the establishment of an Indian and French power at their doors. The English government was no less conscious of the impending danger and common measures were taken with the utmost secrecy to strike at French aggressions. Four separate expeditions were planned for this purpose to capture;

- (1) Du Quesne, where Pittsburg now stands on the Ohio.
- (2) Beausejour, to destroy French power in Acadia.
- (3) Crown Point, on Lake Champlain, commanding the southern highway to Lake Ontario.

(4) Niagara, cutting off communication between Canada proper and the Great Lakes.

Of these four, that against Beausejour alone was successful. Braddock led his troops to an overwhelming disaster; the battle of Lake George was won by Sir Wm. Johnson without gaining Crown Point, and the expedition under Shirley to Niagara was abandoned.

Thus, while England and France were at peace, the Massachusetts assembly was making preparations to make war on the French on this Isthmus. The French appeared to be laying claims to Nova Scotia and treating the English as intruders there; their Indian allies were harassing and destroying posts and settlements and killing and scalping settlers. Their trail was marked by fire and blood. The French were preventing the Acadians from taking or obeying their oath of allegiance; they were forcing them from their homesteads and lands on British soil and keeping them in a state of restless disaffection and hostility, in order that they might not furnish English posts with aid or supplies, and to enable them to be used in the first hostile movement made. The French official despatches, between Du Quesne, Governor General at Quebec and La Loutre, shew it was the intention of the French to make a pretext for attacking Fort Lawrence.

From 1749 to 1756—history was making fast in Acadia, especially at Chignecto.

The British Government exhibited renewed activity in their possessions here. They sent Cornwallis to occupy and settle Halifax. This was followed by the change in the seat of Government from Annapolis to Halifax. Preliminary steps were taken to check the encroachments of the French. By the treaty of Utrecht in 1713, Acadia was ceded to Great Britain. The bounds of Acadia were not defined, perhaps from lack of exact geographical knowledge. While the English at once demanded submission of the Acadians in New Brunswick as part of Acadia, the French

assumed that the bounds of Acadia were limited to the peninsula of Nova Scotia, and in the process of time came to dispute the British claims. In 1746 Chevalier La Corne visited and examined Beaubassin. He was a distinguished French officer, son of Captain La Corne, town Major of Quebec. He was next in command to De Ramsey at the affair of Grand Pre in 1749. La Corne was sent (1749) from Quebec with 70 regular troops to take possession of the heights at Beaubassin and established a post there, which was called Beausejour after an Acadian who lived there, and not as has been supposed—from the magnificent view obtainable there.

M. de Lery was Engineer in charge; the sub engineer was Jacquet de Fredmond, afterwards immortalized at the seige of Quebec. In the spring, Beausejour was commenced, half in earth-work, the other half in palisades; with barracks, store-houses, and powder magazine. At the end of summer the place was ready for a seige. It had five bastions with 32 small cannons mounted, one mortar, and 18 eight pounders. The garrison consisted of 6 officers and 60 men. The fort was built of stone to the height of the ditch and the ditch was palisaded.

A COMPANION FORT ON THE OTHER SIDE OF THE Isthmus WAS  
CONSTRUCTED.

Fort Gaspereaux was in the form of a square. The four bastions at the angles were constructed solidly of timber, piece upon piece, and with a platform upon which were mounted six pieces of cannon. The curtains consisted of two rows of pickets, driven against each other, behind which was a road of earth four feet wide by three feet nine inches in height. A fosse was excavated six feet from the enclosure. In 1751, the garrison, consisting of an officer and fifteen men, lived in huts outside pending the erection of the barracks, which were never completed.

At this time the following Acadian refugees found shelter under its protection;

Men	11.
Women	12.
Boys	21.
Girls	17.

These people possessed 63 horned cattle, 7 horses and 43 pigs.

All supplies and stores shipped to Beausejour from Quebec were landed at this place and transported over the Isthmus, either by the old French road or by water, down the Missiquash river. A good trade was carried on by the inhabitants across the Isthmus on one side and by vessel on the gulf on the other side. When the post capitulated in 1755 there were 25 houses, a chapel and a priest's house, well furnished. The people seemed to be more prosperous and comfortable than in other settlements in Acadia.

1750 the next year, Cornwallis dispatched Captain Lawrence with a force of 400 men, to maintain British supremacy there. On his arrival, he found the French flag flying upon the shore, La Corne in possession and his men drawn up to dispute a landing. Lawrence and La Corne had an interview. In answer to the former's question as to where he should land, La Corne pointed to Beaubassin across the Missiquash River, stating the French claimed that as the boundary line, until otherwise settled. Lawrence proceeded to land his troops at Beaubassin, (now Port Lawrence) when suddenly a conflagration broke out in the village—consuming the church and all the dwellings. La Loutre himself, it is said set the torch to the church and his emissaries did the rest. The houseless and homeless occupants were thus obliged to seek shelter across the River at Beaubassin and adjacent villages. One hundred and fifty houses were said to have been burned, but this must have been largely exaggerated. Lawrence, powerless to effect anything, left with his command for Halifax.

About the same time La Corne was relieved by Captain De Vassan and the construction of the Fort was resumed by De Clerg, a son of the Military Engineer of Quebec.

The English claims being thus challenged, Major Lawrence was again sent to Beaubassin with a considerable force—Lascelle's regiment, 400 strong and 300 men of Warburton's.

When this force attempted to land at Beaubassin, they were opposed by French and Indians, posted behind the dykes. These were driven off, after the English had lost six killed and twelve wounded. Lawrence landed, encamped and hastily fortified himself. He built four bastions connected by double palisaded curtains, calculated to accomodate 150 men.

Much has been written about the assassination of Captain How. This barbarous and treacherous act evoked the indignation of the French and English officers on the spot, both of whom placed the responsibility on La Loutre, whom they claimed had incited a Micmac named Copt to commit the foul deed.

La Loutre himself placed the blame on the Micmac chief. All accounts agree that How was a gifted and accomplished man, and was influential with the Micmacs as well as Acadians, with whom he had an extensive acquaintance. A man of that stamp would be extremely repugnant to the designs of La Loutre. One account states that the meeting between him and How was to arrange for an exchange of prisoners; another account says that some of the French posts needed provisions, and the Commissary at Louisburg was authorized to treat with the English for them, and to furnish How with any sureties he might require. The interview on the banks of the Missisquash was to settle the details.

The garrison at Fort Lawrence, made that place at once a trading centre, which has more than a local fame, from its connection with Sir Brook Watson, General Joshua Winslow, Captain John Huston and others. The Acadian refugees surreptitiously





LIEUT.-GOVERNOR FRANKLIN.

traded here, notwithstanding the wrath and orders of La Loutre, who owned a storehouse at Bay Verte. Graft had made prices high at Beausejour and thrifty Acadians did not believe that their nationality ought to deprive them of the right to make good bargains. 1752 Jacan de Piedmont, a distinguished artillery officer was sent from Quebec to Beausejour to superintend the works. In 1753, La Loutre sailed to France and returned with 50,000 livres to build an aboideau across the auLac River, a work that is today still in evidence. The Bishop of Quebec at the same time appointed him Grand Vicar. These successes augmented his power, and while De Vassan would not tolerate him in military affairs, he monopolized all civil powers of the command.

In 1753, De Vassan was relieved of the command and succeeded by Captain de la Martiniere, and Captain Scott succeeded Lawrence as Commandant at Fort Lawrence. Martiniere left in 1754 and was succeeded by Vigor son of Du Chambon, one of the men who bravely defended Louisburg in 1745. He was a man of loose morals and a grafted. The welfare of his people and the honor of his country were all sacrificed to his personal desires. A writer has said that the French Governors and Intendants went to the Colonies to enrich themselves and when they embarked they left their honor and probity behind them. The 18th century was not alone in possessing men who prostituted high public positions to the basest uses. Virgor had a comrade in Bigot, the Intendant of Quebec, who wrote him advising him to "Clip and Pare" all he could, to be able to join him in France later on. Virgor accepted this advice and plundered the King's stores. He was the Commandant of the post at Wolfe's Cove at the capture of Quebec in 1758. He was negligent at his post enabling the Highlanders to effect a landing and scale the heights and he has been charged with corruptly deserting his duty. Whether justly or unjustly, he has bequeathed for all time a name redolent with shame.

1754 Governor Lawrence sent Monckton to Boston to propose to Governor Shirley to raise 2,000 men to subjugate Beausejour, Shirley submitted the proposal to the Massachusetts assembly in secret session, where it was adopted with considerable enthusiasm. Governor Shirley commissioned John Winslow to raise 2,000 volunteers for the service. Winslow, a Marshfield farmer, was descended from the early Governors of Plymouth Colony, His family had given many of their sons to honorable public service.

A graphic story of the stirring events at Chignecto in 1755 is from the pen of John Thomas, of Marshfield, Mass, a surgeon, who accompanied Winslow from Boston, was a spectator and kept a diary of the moving scenes enacted there. He left his home on 9th April, 1755, on horseback, put up at Morse's tavern at Boston Neck and went into Boston next morning with 50 troopers. From that date until the 22nd of May, when the fleet sailed, Mr. Thomas was very much engaged in social functions at Boston and on the fleet, which had gathered at Deer Island Roads. Three men of war, The Success, the Mermaid and the Syren and 33 transports, containing a force of 2,100 men, were enlisted for the attack on Beaubassin. Four days after sailing the fleet anchored in Annapolis Basin and on 1st June the fleet set sail and arrived at the Joggins 15 miles below Beaubassin that night.

How are these proceedings interesting the garrison at Beaubassin?

At 2 o'clock on the morning of 2nd June, M. Virgor in command was rudely awakened from his sleep by the guard who told him of the arrival of a messenger stating a fleet of vessels had then anchored at Maranguin 15 miles below.

Virgor was now all vigor. He sent word to the Acadians, of whom there was almost 1200 capable of bearing arms to report for service. Many of them were refugees from abandoned English

settlements at Cobiquid, Shubenacadie, Grand Pre, etc; and naturally dreaded the English finding them in arms as in that case they had been warned they would be dealt with severely.

The next afternoon the fleet sailed up the Bay and anchored below the two forts. The boats were got out and the force was landed at once on the marsh below Fort Lawrence. Mr. Thomas remarked that the wind blew hard as it generally does there in the summer months from the southwest. They pitched their tents about the fort. The second day after, the drums beat to arms and at break of day the men were dressed three deep for the march.

The attacking force consisted of 2,100 men of New England, with 250 regulars from Fort Lawrence. For artillery they had four brass field pieces and a six pounder. Capt. Adams led the advance guard of 60 men, up the right or easterly bank of the Missiquash river, about four miles where the road crosses the salt marsh between the two ridges of upland.

The real battle for the possession of the Isthmus then took place at Pont a Buot—now Point de Bute. When the English crossing the Missisquash effected a landing on the ridge, west of the river, they were enabled to gain the high land in the rear of the Fort, entrench themselves and plant there seige guns, after which capitulation was only a matter of a few days. A repulse of the English efforts to cross the Missiquash River and effect a lodging might have been disastrous to them. The post at Pont a Buot was established not only for defensive purposes but to protect the line of communication across the Isthmus to Fort Gaspereaux.

It was screened from observation at Fort Lawrence, and military stores and supplies could be safely laden or unladen at this place when carried by batteaux. Store houses were built at the Portage at Bay Verte road to receive supplies in transit either way.

Franquet, a distinguished French military engineer, who inspected these posts in 1751, says there were thirty men attached to this post, besides a Commandant, Ensign Bilaron. The entrenchment was triangular and consisted of an enclosure made by double rows of palisades, driven against each other, and behind them a bank of earth three feet high. At the angles were platforms for guns. Two ships guns were mounted, taken from an English Brigantine, which the Indians had surprised. An Acadian named Buot lived at this place, who it is believed escaped to Prince Edward Island at the time of the dispersion of the French. In the rear of the post, quarters had been erected for the Commandant and his company, the former one consisting of a picket structure 14 feet square covered with boards and for the latter one 36 feet long and 14 feet wide.

When the English debouched from the woods on the eastern side of the Missisquash on 4th of June and laid down their pontoon bridge across the Missisquash, the French had 450 men—French soldiers, Acadians, and Indians to dispute their passage. The English brought their field pieces into action and advanced, and a canonade and brisk musketry fire on both sides ensued lasting about an hour, when the English rushed the works and the French fled, burning the buildings as they left. Before night the church and nearly all the dwellings about the settlement were fired by the French and destroyed, and their live-stock—horses, cattle and hogs were found running at large.

In this encounter the French lost 14 killed and wounded and the English 3 killed and 10 wounded.

Beausejour was guarded on both sides of the ridge by block houses—on the easterly side by one on the heights east of the Fort, then called Butte Amirande—and the other on the opposite side of the ridge on the Bulmer Farm.

When the English captured Pont a Buot on 4th, they afterwards laid a pontoon bridge across the Missisquash at Butte

Amirande and brought up their seige guns by barges from the squadron anchored in the bay below.

On 10th a French officer named De Vanne with 180 men made a sortie from the Fort, but returned without getting near enough to the enemy to receive a shot. Later the same day another one, Captain de Baillent made another one and was more successful. He received a musket ball and was chased back to the Fort.

On 12th Captain Scott commenced the entrenchments for regular siege operations, the trenches for which may still be seen, and two days later, the English had in place an 18 pounder and a five inch mortar with which they commenced the bombardment. The same day the French fired 150 cannon shot and four nine inch bombs into the entrenchments.

On 13th the English having completed their roads moved their guns up to their entrenchments 300 yards from the Fort.

When the English appeared Virgor sent express messengers to St. John, Louisburg and Quebec, making urgent demands for help.

#### CAPTURE OF BEAUSEJOUR.

On 13th a reply came from Drucour at Louisburg, stating he was unable to render any assistance. A council of war was called and it was decided to hold out as long as possible, but to conceal the news from the Acadians who had become restive and been demanding a release. The news was divulged through the wife of an official with whom Virgor was accused of carrying on an intrigue, and the French became at once greatly excited and alarmed demanding they be released from a hopeless struggle. They represented that the Fort afforded no security against the English shells, and that their lives would be sacrificed to no good purpose.

On 16th the contest was brought to an issue by a shell, which broke into a casement, where Ensign Hay, a prisoner captured on 8th, and four French officers were taking breakfast. Of these Hay, and Messrs. Rambrant, Fernald and Chevalier de Billy

were killed. This event created a panic and Virgor wrote to Monckton for 48 hours of cessation to arrange terms of capitulation. Monckton drew up the articles of capitulation himself and sent them back by the messenger, with the intimation that unless the Fort was surrendered before 7 o'clock that evening, firing would be recommenced.

All discipline was abandoned at the Fort the last day, The French officers and officials looted all portable things of value they could carry away. The robberies were committed in the face of Vigor and the store keeper refused in his presence to sign any statements of the stores supposed to be on hand.

La Loutre opposed surrendering, stating he would rather bury himself under the ruins of the fort than surrender. Some of the officers also opposed it, but DeVannes was sent as a herald to Monckton's camp to accept the terms.

The Acadians fled across the marshes of Tantramar. LaLoutre escaped to Gaspereaux. From there he hastily escaped to Quebec where he was received with reproaches by the Bishop of Quebec.

Tradition says that Priest Manach accompanied La Loutre as far as Gaspereaux, and the English afterward seized him and deported him to France. A letter of Mascarene contradicts this and states he was at Miramichi at the time of the capture.

LaLoutre was a type of the meddlesome and ambitious ecclesiastic, common to all sects in all ages, who commits mischief in proportion to the degree the ignorant and deluded are foolish enough to trust him.

At 7 o'clock that night a detachment under Capt. Scott entered the Fort, filed along the ramparts and hoisted the British flag. Capt. DeVilleray in command at Gaspereaux surrendered the following day. The French troops arrived at Gaspereaux on the 24th, where they were placed in vessels and sent to Louisburg, at which place they arrived on 6th of July.

Tradition says that the French officers entertained the British victors at a dinner party the night after the surrender. The professional duty of the former to shoot the latter on sight did not blind them to their duties as hosts to entertain pleasantly.

The light hearted gayety with which these men accepted defeat and misfortune, is in strong contrast to the many evidences they had shown of their bravery and enterprise in war.

The wives and children of the Acadians from their house tops at Tantramar five miles away watched with the keenest interest and anxiety the course of the artillery duel between the English batteries and Beausejour, which ended on 16th June, by the appearance of a white flag at the fort and later by the lowering of the ensign of France. The next morning with grief they beheld the garrison march forth and take the road to Bay Verte thence to be shipped to Louisburg.

The French reports of the operations at Fort Cumberland are very meagre, and for the only detailed account of it, we are indebted to one Pichon or Tyrell, who Parkman says was one of the peculiar products of the times, but political mercenaries are common at all times. He was in the pay of both countries. He was born in France—his mother was an Englishwoman and his father a Frenchman. While he was nominally in the employ of France—being commissary of stores, he had opened up a secret correspondence with Captain George Scott, who commanded the English at Fort Lawrence, in which he gives copies of La Loutre's correspondence, which he had purchased from La Loutre's clerk. Pichon must have been as largely equipped with brains as he was deficient in morals, for he was an author of some distinction, having published a work in 1760 on "The Islands of Cape Breton and St. John" and at the time of his death in London in 1781, he is said to have enjoyed the society of many of the savants. He had had a medical education, and filled a number of appointments with apparent credit, such as Inspector of Forage at Alsace, and Secretary to the Governor of Louisburg. He unveiled the designs and movements of the French Government at Quebec respecting Acad-

ia especially the proceedings of "Moses", by which name Pichon denominated the Loutre because he pretended to have led the Acadians from the land of bondage, and thus did not a little to precipitate open war between the two powers.

The burning of the villages at Chignecto and the emigration of the inhabitants to the protection of the French flag at Beasejour, were a complete and absolute abandonment of any rights they possessed as subjects of Great Britain. When this was followed five years later by their enrollment and arming against the English, there was no reason to treat them otherwise than as enemies.

Four days later, 250 of the Acadians appeared at the fort. They were promptly arrested by Col. Monckton and conducted by Major Bourn with a guard of 150 men to Fort Lawrence where they were held as prisoners. At the same time raiding parties were despatched as follows:—

Major Preble with 200 men to Tantramar.

Capt. Percy with 100 men to Point d' Boet.

Capt. Lues of the Rangers to Cobequid and Ramshag.

The latter captured two vessels at Ramshag loaded with cattle and sheep for Louisburg.

Four days later, Capt. Willard returned from Cobiquid with several prisoners and reported to have burned a number of villages. Three days later Major Frye and 200 men left in vessels for Shepody and Petitcodiac rivers to destroy the settlements and bring on the inhabitants. Capt. Gibbert with 50 men went on the same errand to Bay Verte. Frye's expedition met with a repulse. The account is as follows:

During the last days of August a strong force was despatched from Beausejour on board of two vessels to capture the French at Chipoudy and along the Petitcodiac River. At Chipoudy they found the men had fled leaving 25 women and children who were taken prisoners. They burned 181 houses and barns. On 3rd Sept. they sailed up the Petitcodiac and finding the vil-



COLONEL JOHN WINSLOW.



lages deserted set fire to the buildings for a distance of 15 miles on the north side of the river and 6 miles on the south. They then attempted to fire the Mass house, when they were attacked by a superior force of Acadians and Indians under Bois Hebert and forced to flee to the vessels with a loss of two officers—Dr. Marsh and Lieut. Billings and six privates. The whole force narrowly escaped extermination as the armed vessels had drifted down in the tide and it was not till the flood they could afford protection. They destroyed 253 buildings and the Mass house.

#### THE ACADIAN DEPORTATION.

On 7th August a despatch came to Col. Winslow ordering him to Minas with four companies. This despatch probably contained the first order from Lawrence at Halifax issued a week before relating to the great Acadian tragedy then impending, but the contents of which Thomas appears to have been ignorant. Then follows act after act in this terrible drama. Orders were sent to the French in the settlements about to come in to the Fort. These settlements contained a population of 4000 persons. They were filled with Acadians from Nova Scotia, who had poured into the villages west of Missiquash—Beaubassin, Memramcook, Shediac and Petitcodiac. They were supported by rations issued at Beausejour—two lbs. of bread and a half a lb. of beef per day per man.

The posts dependent on Beausejour 1751 were as follows:

	Officers	Soldiers	Canadians
Gasperaux	1	15	
Bay Verte	1	15	
Point à Bout	1		30
Veska (Westcock)	1		12
Chipoudy	1		10
Riviere St. John	1	20	50

Also the following villages:

Peccoukac, Chipoudy, Memramcook, Veska (Port de Mer) Tantramar, (Big Village with Missionary), La Coup, Le Lac,

Gedaygue, where a French trading post under a storekeeper was established.

On 10th Sept. the first detachment of 50 Acadians were put on board the transports. On 1st Oct. 86 Acadians escaped from Fort Lawrence by digging under the wall and getting away to the woods.

On 11th Oct. the last of the French prisoners were sent on board and on 13th Capt. Rous sailed with a fleet of 10 vessels, carrying 960 Acadians to South Carolina and Georgia.

The scenes at embarkation were very painful. Even at this lapse of time one cannot but regard with sorrow, mingled with a feeling of horror the tortures of a defenceless people and the cruelties perpetrated on innocent women and children. Abbe La Guerne says that many of the married women, deaf to all entreaties and representations, refused to be separated from their husbands and precipitated themselves in the vessels, where their husbands had been forced.

During October and November the escaped Acadians, no doubt wrought up to a state bordering on frenzy by the persistent hunting to which they were subjected, by the deportation and the confiscation and destruction of their property, inaugurated on their part a guerilla warfare. On 23rd October a brush took place on the River Hebert between a command from the fort bringing in horses, sheep and cattle and a large party of French and Indians. The former prudently retreated. The same day another encounter took place at Au Lac, and other ones at Tantramar, Westcock, &c.

At the close of the year 1755, we find the populous French villages on the Isthmus as well as at Chipoudy, along the Petitcodiac, at Shediau and from thence to Pugwash destroyed, their ancient owners scattered from Quebec to Georgia or else hiding in the forests with their Indian allies. Those who escaped into the forests struggled forward to Miramichi and a few found homes at the head waters of the St. John. From both of these places

numbers were able to seek permanent homes in Quebec. At this period Miramichi had a French population of 3,500 people. Eleven years after the deportation, a column 800 strong of Acadian men, women and children formed in Boston and marched 600 miles through the unbroken wilderness to reach their old homes. All history does not furnish so touching and pathetic a picture; many of them dropped by the wayside and found there forgotten graves. Those who gained their old homes on the Memramcook, Petitcodiac and Hebert rivers found them in ashes. Despair urged them on to make an attempt to commence life anew, and some 50 or 60 families pressed on to Tantramar, Beaubassin, and River Hebert and found their farms had been regranted and were occupied by an alien race. How bitter must have been their hearts—without a home and without a country! The large French population of Westmorland is descended either from those who escaped the deportation or those who returned from United States.

In 1761 Capt. Rod MacKenzie in command of a Highland regiment at the fort fitted out two vessels at Bay Verte and seized 787 Acadians then living at Nepisiquit. He brought away 335 of them; the others made peace with him. Those who were made prisoners were shipped to Massachusetts. The government there refused to admit them; they were returned and settled along the eastern coast of Nova Scotia.

One morning a Frenchman came timidly into the settlement that had been re-peopled at Petitcodiac. He gave his name as Belliveau. He alone remained of all the Acadians who occupied farms on the south side of the Petitcodiac. He said that on the approach of the English, his people had sought safety in the woods, where the English were unable to find them, until one calm morning they were betrayed by the crowing of a cock. Their encampment was immediately surrounded and they were driven at the point of the bayonet to the river opposite Monckton, there to be embarked. In despair many had thrown themselves in the river; some escaped;

some were drowned; the balance were carried into captivity Belliveau being away hunting had escaped. He had since subsisted by hunting and fishing. His powder had long been exhausted, but he had managed to exist. He was welcomed and proved a valuable addition to the infant community which prospered with the years. Most of these families have multiplied enormously. He lived till he was nearly a hundred years of age and recollects to the last these events. His descendants now occupying Belliveau Village Dorchester,

One of the Acadians enlisted by Coulon de Villiers in his attack on Noble's force at Gaspereaux, was an Acadian named Zedore Gould. He was 20 years of age at the time. He escaped with others to Miramirchi at the time of the deportation and some years after returned and became a tenant of Governor DesBarres at Minudie. He lived long and was able to give a vivid account of the expedition against Noble—its march in winter to Bay Verte, thence along the shore to Tatamagouche, thence up that river to Shubenacadie. When they reached Meloncon village, now Judge Weatherby's orchards at St. Uulalie, they were halted. A wedding was in progress and they were regaled with cider, cheese and rolls of black bread. There were two puncheons of cider, which was served by Meloncon's two daughters. This was a pleasant introduction to the carnage that followed.

#### THE ENGLISH GARRISON FORT CUMBERLAND.

Thomas recorded 15th November, as a "pleasant day." On that day the British burned 97 houses and a large Mass house at Tantramar—now Upper Sackville. The force augmented to 700 men under the command of Col. Scott, marched to Westcock and from thence to Memramcook, where two days later they burned 30 houses and brought away 200 head of neat cattle and 20 horses. On 20th, they gathered 230 head of cattle, 2 horses and sheep and pigs at Tantramar, burned 50 houses at Westcock and returned to Fort, exchanging shots with the Acadians.

For nine years the Fort at Piziquid—(Fort Edward, Windsor) formed a prison house for captive Acadians. The average number of them detained there was three hundred and forty-six. They were employed on government works and paid wages with which they supplied their families.

Those who had escaped and sought shelter in the recesses of the woods, from its security beheld the smoke curling from the ruins of their houses. If man is sometimes merciful, war is pitiless, and one cannot even at this distance of time regard without commiseration the misfortunes of the race who first sought an asylum and a home in our unbroken forests.

From 10th June till 1st December, when Surgeon Thomas took passage in a vessel with Col. Winslow for Halifax, he seems to have been pleasantly situated. Small garrisons were maintained at both posts, and there was a constant exchange of visiting and dining. Game and fish were abundant, and if the garrisons did not live sumptuously in sybarite fashion, they at least did not starve. The shallow lakes and ponds of the Tantramar and Missiquash marshes are recorded as alive with geese, ducks and other game. One alleged origin of the name Tantramar is so much noise—derived from the calls and screaming of flocks of birds, while as to the other bay, the variety it afforded of table delicacies warms up the surgeon's heart with recording the abundance of clams, oysters, lobsters and mackerel. In addition to the garrison at Fort Lawrence, it had become quite a trading post. Capt. Huston with Commissary Winslow had carried on a truck business with the Indians and also with the Acadians, against the prohibition of La Loutre and Virgor. He had in his employ the famous Brook Watson. The latter is supposed to have received his business training at Chignecto with Huston and to have been tutored by Joshua Winslow. The latter was the father of Alice Greene Winslow, whose diary, edited by Alice Morse Earle was one of the features of the American book trade about fifteen years ago. Alice Greene was sent by her father from Cumberland to Boston

to be educated and her daily records are graphic pictures of life there. Joshua Winslow with his family remained at Chignecto until some time after 1770. He became paymaster general of the British forces in America and died in Quebec in 1801. He was the brother of John Winslow. The latter was the father of General John Winslow, who at the revolutionary war sided with the Americans. It is recorded that both uncle and nephew had threatened to hang each other if either caught the other. General John did capture General Joshua, but released him on parole. The latter bequeathed most of his property to his rebellious nephew. His descendants live at Niagara in an old Colonial mansion filled with furniture, books, and arms belongings of that period. Amongst others at Fort Cumberland was a Col. Gay, a very high spirited gentleman. He purchased a farm on the eastern flank of the fort where he lived, becoming on the organization of New Brunswick a local notability. He held the office of judge of the Court of Common Pleas and other places. It is recorded he had trouble with Col. Goreham, which led to a duel. He ran the point of his sword through Goreham's arm and pinned him to the door of the barracks. The door with the sword point was to be seen for many years after. Surgeon Thomas also records he supped at Fort Lawrence with Mr. Allan. This was probably the Colonel Allan, who twenty years afterwards became Eastern Indian agent of the Continental Congress with headquarters at Machias and who competed with Michael Franklin for ascendancy with the Micmac and Passamaquoddy tribes, and later, at the time of the revolutionary war, was a very active agent in trying to dispossess the British in Acadia.

Life at Chignecto then was not all pleasure; it had its seamy side. There was sickness and casualties and operations to be performed. There were court martials for disturbances, sometimes because of too much rum, sometimes because there was not enough. Whipping and riding the horse were favorite penalties. Many expeditions were undertaken either to break up Acadian settlements, to punish Indians or to protect loyalists. There were almost constant alarms and bloodshed. The famous

Courrier du Bois—Bois Hebert, in charge of the Indians of Acadia was a dreaded foe. His tactics were to suddenly strike and as suddenly disappear, as elusive as an igneus fatuus; when pursued, he left no traces. Occasionally he would ostentatiously shew himself to his enemies, resplendant in a uniform of white and gold—with laced hat and waistcoat and then the mystery and silence of the woods would hide him. Expeditions almost within sight and sound of Fort Cumberland or Fort Monckton were destroyed by him. The shadows of the forest contained keen eyes and relentless hands for those who ventured within their reach.

Bois Hebert while described as leader of a company of Courreurs du Bois, was officially in command of the Acadian Militia and had no connection with the former, who were of two classes —those going to the original haunts of beaver amongst the Assiniboines, Dekatohs, and other tribes or those going to the Long Sault, to meet Indians and French who came down and traded goods and brandy for pelts. Bois Hebert's command consisted of expert wood rangers and hunters recruited from amongst the Micmacs, Canadians and Acadians. He was a typical Frenchman, daring and resourceful and capable of making himself at home with and winning the confidence and respect of the Micmacs. Why men of his class, so highly gifted, were not able to compete with the Anglo-Saxon in the arts of colonization, is a problem that some historians find a solution in the malign influence that the Roman Empire exercised in Continental Europe in centralizing authority, and wiping out those self-governing local municipal institutions, that from immemorial times, had been the training schools of Anglo-Saxons in the art of government.

But it was not all war at Chignecto. There was also peace. The Surgeon makes many records of one Mr. Phillips, an army Chaplain—who preached on the parade all day. These all day preachings were generally followed closely by a raid on the enemy—perhaps not so much on the principle that

peace and war are comrades, as that getting shot or scalped may have been considered a welcome interlude between all day preachings. On the last day of August, 1755, he records the preaching of Mr. Woods, the first missionary sent there by the S. P. G. This missionary came from New Jersey to Annapolis. He was an indefatigable worker. He mastered the Micmac language, and is said to have made a grammar and dictionary in the Micmac tongue and translated the Bible. A trip he made some years later up the St. John River is one of the interesting records of the S. P. G. He and priest Maillard were close friends. When the latter was on his death bed at Halifax, Mr. Woods administered to him the last rites of the Chuech.

Mr. Thomas was no stiff necked Protestant. On 13th July he records, that with a guard of 16 men, he rode to Bay Verte and attended mass there.

The New England volunteers seem to have regarded the expedition as a religious duty—much the same as an Israelitish raid on the uncircumcised Philistines. Such names on the muster roll as Abiah, Hezekiah, Obediah, Aranish, Josiah, Nehemiah, Jeremiah—added to the severe Puritanism of the life, give them a likeness to the ancient followers of Moses.

Col. Frye's diary at this time does not present his men as models of circumspection. He writes: "Whereas some of the troops from Massachusetts now in the garrison have taken sundry suits of clothing and other things out of the Purser's stores and sold them for spirituous liquors contrary to 3rd Section of the Articles of War, therefore no person or persons shall sell them liquors or anything from the government stores from there."

Orders were issued against soldiers going out to shoot game with the King's ammunition, but the order is kindly tempered by the qualification that if they did go, the officers were to have the first choice of game brought in

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MAJOR-GENERAL MONCKTON.



All news to Chignecto came by occasional packets from Boston or from Halifax via Minas or Port Royal, and their arrival was, as may be imagined, eagerly watched, to obtain news of their friends or of the stirring events of the outside world. On 12th August two whale boats sailed into the Bay, bringing Capt. Joseph Gorham, carrying despatches and the news of Braddock's defeat, his death and the almost annihilation of his army. The gloom cast by this terrible disaster was scarcely relieved by the news that came two months later by vessel from Boston of General Johnson's victory over the French at Lake George.

#### GUERILLA WARFARE.

The year Beausejour was captured two French ships of the line bound for Louisburg were captured and taken into Halifax. Amongst the material of war found was some thousands of scalping knives. They were for use against somebody. At the same time, a price for English scalps was being paid for at Quebec. The French were not the only offenders against the code of civilized warfare if any warfare can be considered civilized.

The English displayed equal enterprize. The government of Massachusetts Bay issued a proclamation offering rewards for scalps, the same as bear bounties were paid at a later date.

A story of English butchery, brutal enough to make one blush for his country, is told in a letter written by Hugh Graham, a gentleman living in Cornwallis in the year 1791. A company of Colonel John Gorham's Rangers—(A military body organized to protect the English settlements in Acadia, from the depredations of the French and Indians), came upon four Acadian Frenchmen who had ventured out from their skulking retreats to pick up cattle or treasure, and had just sat down on the bank of the Napan River to rest and eat. The Acadians were completely taken by surprise and were at the mercy of their foe. The officers in command turned their backs, and in a minute all was over with the poor Frenchmen; they were shot and scalped as they lay. It is stated that a party of Rangers brought in one day,

to Fort Cumberland 25 scalps pretending they were Indians, and the Commanding officer at the Fort, then Colonel Wilmot, afterwards Governor Wilmot ordered that the bounty paid in Indian scalps should be given them. Capt. Huston, who at that time had charge of the Military chest objected to such a scandalous proceeding. The Colonel told him that the bounty in Indian scalps was according to law, and tho' the law might in some instances be strained a little, yet there was a necessity for winking at such things

Thereupon Huston, in obedience to orders paid down £250, telling them that the curse of God should ever attend such guilty deeds. On another occasion, some Acadians were surprised on the banks of the Petitcodiac by Rangers and not expecting much mercy from such ruthless hands, jumped into the river, attempting to swim across. One would have supposed that so bold an effort as attempting to brave the strong swollen tide of that river would have appealed a little to the admiration of the blood-hounds at their heels. It did not. They fired volleys at these poor wretches in the water. It is a matter of poetical justice, that the curse of the Almighty seemed to rest upon them; nearly all of them ended their lives wretchedly. One of the most reckless and brutal of their number, one Capt. Danks, who was suspected in the Eddy war of being on both sides of the bush, left Fort Cumberland in a small jigger bound for Windsor, took sick on the passage, was thrown into the hold amongst the ballast, was taken out at Windsor half dead, died after and had little better than the burial of a dog. Danks Point, east of the Tignish river owes its name to this ruffian.

Previously to 1755, the French had a thriving settlement at Minudie, with a road leading up River Hebert and over the Boar's Back to the Basin of Minas. It is not stated or recorded if the inhabitants, who were known as French neutrals and were nominally at least under the protection of the British government, had engaged in any of the filibustering expeditions against the English. At this distance of time, it is impossible to find

any evidence in the matter. Here they had erected houses and farms, dyked their marshes and were living in peace. Col. Monckton, who was then in command at Fort Cumberland sent Lieutenant Dixson with a Company of New England Volunteers to Minudie to dislodge them. Dixson arrived there at night; posted his men to form a cordon in the rear of the settlement, and at sunrise in the morning, the French were awaked by a discharge of musketry. The French awakening from their dreams by such a rude blast, sought safety in flight. Observing at once that retreat was cut off on the land side they fled to the ford towards Amherst Point. The tide was in but they preferred to trust to the mercy of the swift current. In they plunged; the volunteers following them sharply, made targets of these poor wretches struggling in the water. It was afterwards told that the volunteers exulted in that bloody work, and when a poor Acadian was hit and turned up in the water from gravity, a shout was raised, "See how I made his forked end turn up."

Major Thomas Dixson had some unpleasant half hours with Bois Hebert. His experiences were numerous and thrilling enough to fill one of Cooper's volumes. He was a Dublin lad and a dare-devil Irishman, but he was matched by a dare-devil Frenchman in Bois Hebert. He commenced his military career a second lieutenant in a New England regiment. After some guerilla fighting with the Indians in New England, he went with his command to Chignecto, and was at the capture of Beausejour. He was attached to Gorham's Rangers. For some years after the Acadians were very active in bush ranging. One Sunday morning they tomahawked and scalped five soldiers from the fort at Jolicure at a place now called Bloody Bridge. At Fort Monckton, they tomahawked and scalped nine soldiers who were cutting wood near the fort. In 1758, Dixson with a company of rangers was despatched to pursue Bois Hebert, then on the march to Quebec. This was during the autumn, when the woods were flaming with the hues of Indian summer. Dixson followed his trail to the Miramichi, where he caught the glare of Hebert's camp fires burning on an island in the river, now called Beau Bear

Island, after Beaubair, French Governor, who had a battery and small garrison there in the early part of the 18th century. Reaching the Island, he found his foe had fled and left him nothing but the smouldering ashes. The season being well advanced, and becoming cold, and the game on which they subsisted becoming scarce, they determined to return. On their march back, their privations had become so extreme, that ten miles from Fort Beausejour the command gave out. Two started for the fort. One died on the way. The other reached it, and sleds were sent out to bring the others in. The next season, June 1759, Dixson was sent out with a scouting party of twenty men and an Acadian guide to dislodge a French camp at Barnum's Tongue. He reached the camp which had been deserted hurriedly, destroyed it and then turned back, arriving at the Au Lac river where it joins a small stream called La Coup. Finding the tide had risen to high water, they started to retrace their steps to cross at an aboideau further up. A yell from the Indians shewed that they were ambushed. Except Dixson they were all tomahawked and scalped. Dixson with a bullet hole in his shoulder was saved for a ransom and was marched to Quebec, where he was held as a prisoner. When Wolfe appeared off Quebec, he was sent to Three Rivers and on the capitulation he returned to Chignecto via Boston. A devotee of Venus as well as Mars, he renewed there his attentions to Catherine Weatherhead—a sister of the first sheriff of Westmorland—to whom he was married and some of their descendants in the fourth and fifth generation live in Chignecto.

A monument was erected by the New Brunswick Government in 1875 at Port Elgin to the memory of those who fell at Fort Monckton. The inscription is as follows:—

“Erected”

“by the New Brunswick Legislature, A. D., 1875, in memory  
of the Fort Moncton soldiers buried there in 1775.

"Here lies the body of Capt. Joseph Williams, who died October 9th aged 50 years.

Also Sergeant Mackay and eight men killed and scalped by the Indians in bringing in firewood, February 26th.

Also, James Whitcomb, killed by the Indians, July 23rd, aged 23 years.

Also, Nathaniel Hodge died, aged 32 years.

John Wescomb, R. N., died 1855, aged 70.

#### FIRST SETTLERS OF CHIGNECTO.

The second part of the design of Lawrence and his Council at Halifax was now in order, namely to replace the French by English immigrants to strengthen English rule and power in Acadia.

The removal of the French in 1755, and the fall of Louisburg three years later, opened the way for permanent settlements and a fixed government. A legislature was summoned at Halifax in 1758, and the vacated lands of the French, over 100,000 acres of intervals and 100,000 of upland, were ordered to be advertised for settlers. Townships were set off and all immigrants were guaranteed liberty of conscience. The next year, a committee from Connecticut arrived at Halifax with proposals to settle Chignecto. In November of the same year, delegations from about 1000 Acadians in New Brunswick appeared at Fort Cumberland and offered their submission to Col. Frye. They were received and helped with provisions, and a few months after the Indian Chiefs from the Passamaquoddy and Micmac Indians appeared there to make treaties of peace. In 1761, Capt. Winkworth Yonge, Joshua Winslow, John Huston, John Jenks, Joshua Sprague, Valentine Estabrooks and William Maxwell were appointed a committee to admit persons into the township of Sackville, and two years later (1763) 65 families had settled in the townships of Sackville and Cumberland, being either disbanded soldiers or immigrants from New England.

There were English garrisons at Beausejour, Fort Lawrence and Fort Monckton and the only English settlers were disbanded soldiers and tradesmen who had commenced to locate themselves around these posts and within the range of their protection. The French inhabitants had been so completely driven off that nine years later (1764) they only numbered 383, men, women and children, in this portion of Acadia, when instructions come from the English government to allow them to become settlers on taking the oath of allegiance. Special inducements were held out to the irregulars of New England to become settlers, if they would remain in duty six months longer. To a Colonel was offered 2000 acres of choice land; Major 750 acres; Captain 500; Ensign 450; Private soldier 200.

Applications were to be made to Thomas Hancock, Boston, province agent at Boston, who being applied to by persons desiring to know the kind of government in Nova Scotia and whether toleration in religion was allowed, a second proclamation was issued on 11th January, guaranteeing representative institutions and full lliberty of conscience, except to papists.

1759, on 19th July, Messrs. Liss Willoughby, Benjamin Kimball, Edward Mott and Samuel Starr, junior, a committee of agents from Connecticut appeared at Halifax proposing to make a settlement at Chignecto and they were given a vessel to visit the locality. In September they returned and proposed some alterations in the grant, which were agreed to.

While there were three garrisons on the Isthmus, settlement was very much hindered by the absence of any security to life or property. The Indians and French scoured the woods, ready to pick off any stragglers. They would even show themselves ostentatiously before the walls of the forts; any settlement out of the reach of guns was not only hazardous but impracticable. The French and Indians exhibited in their raids a skill, and a bravado amounting to recklessness. In April of this year, (1759), two vessels, were at anchor at Grindstone Island, one the armed schooner "Monckton" belonging to the Province, the other a trans-

port loaded with beef, pork, flour, bread, rice, peas, rum, wine, sugar, lemons, beer, shoes, shirts, stockings and other goods laden at Halifax for the shopkeepers at the Fort. During the night of 4th, the transport was captured by canoes manned by Acadians and French from the shore, and in the morning, they made a most determined effort to capture the "Monckton", chasing her down the Bay for five hours. The "Monckton" had a boy killed and two men wounded in the fight.. The schooner was afterwards ransomed for £1500 the French taking the cargo.

The Indians along the North Shore and on the Richibucto, Miramichi rivers were very ferocious. History relates many stories of their daring and cruelty. They were greatly dreaded by English settlers. Even the first immigrants into Halifax suffered by them. Captives were treated with wanton and inhuman barbarity.

In 1723, assisted by a party of the Penobscot tribe, they raided Canso and carried off plunder to the amount of £20,000. They were commanded by Argimoosk—or "White Witch", a very cunning and daring chief. Three years later they made another raid and captured 17 sail of fishing vessels from Massachusetts. Forty of the crew were captured, of them fifteen were rescued, 9 murdered and the remainder sent as slaves to Richibucto river.

On 24th. September 1778 a Treaty of peace was made in St. John Harbour between Governor Franklin and 26 Indian Chiefs, which ended all wars. Michael Arjiman, Chief, Barnard Cataup and Joseph Portes, Captains, signed on behalf of the Micmacs at Chignecto.

A military government at Halifax early fell into disrepute. Within a year after the expulsion of the Acadians, the people fell foul of the Lawrence government. After seeking redress without avail, they appointed Fernando John Paris of London their agent, and his letter dated 26th January, 1757, contains a number of charges of extravagance and nepotism, against Law-

rence, Cotterell, Bulkeley, Green and Saul. It charges them with having made no return of £20,000 worth of cattle, hogs, rum and molasses captured from the French. The letter charges Lawrence with arranging a scheme for an Assembly that would throw the representation in his own hands. He had represented Cumberland as a township and entitled to a representative, whereas this famous township consisted of 5 old sergeants and soldiers, all sutlers to the garrison and subject to military orders. Annapolis and other places the same. As a matter of fact the Provost Marshal returned on 22nd August, 1759, for the township of Cumberland, Joseph Frye and John Huston and for the County, Winkworth Tonge and Simon Newcomb.

Brooke Watson came to Chignecto—now Fort Lawrence—in 1750, with Capt. Huston. He was then fifteen years of age. In 1755, when he was only 20 years of age; he was not only given an independent command to bring in the Acadians, but he was employed to victual the transports, for their removal. He then entered into a business partnership with Mr. Slayter of Halifax, but this lasted only two years, when he removed to England. When he was 25 years of age he married there Miss Helen Campbell of Edinburgh. He was then in partnership with a Mr. Mauger and doing a large colonial business. When he was 46 years of age he was made Commissary General of America. When he was 49, he was elected to Parliament from London and retained his seat for nine years. Ten years later he was made a baronet and he died childless in 1803. The title is now held by William Brooke Kay the fifth baronet, his great great grand nephew. This was the career of a waif who was doomed to the clutches of the select men of Boston, to be bound out as an apprentice to a tailor against his vehement protests, when rescued by Capt. Huston and taken to Chignecto.

After leaving Chignecto, Watson went to sea and in the harbor of Havana had his leg bitten off. Caricatures of him printed when he had attained wealth and power in London, represents him as walking on a wooden stump. That he should have over-

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Caricature of Sir Brock Watson, published 1800.



come this and the impediments that surrounded him at boyhood, shows an extraordinary amount of power and resolution.

Capt. Huston represented Cumberland in the Local Assembly. He died at Canard at the venerable age of 85 years. To the last the closest intimacy was maintained between him and his baronet protege.

Jedediah Preble, who was Major under Monckton, was made a Captain at Louisburg nine years before. He was father of Commodore Preble and grandfather of Admiral George H. Preble of United States naval service fame.

Col. Monckton in command at Beausejour came of a distinguished family. His father was Viscount Galway; his mother a daughter of the Duke of Rutland. His grandfather William Lord Russell was distinguished enough to get beheaded in 1663 for political reasons. Monckton commenced his military career in Flanders and was in many engagements. Eleven years later he was sent to Halifax and was actively engaged in Canada until the fall of Quebec, where he commanded as a Brigadier General. He afterwards commanded an expedition that captured Martinico. He was afterwards governor of New York and later governor of Portsmouth and a member of Parliament.

There were three Gorhams in the English service—a father and his two sons and all of them colonels. They were a Massachusetts family. Col. Gorham sr., was in command of a Provincial regiment at Louisburg and died there. His son John Gorham succeeded to the command. He was afterwards in command of a body of Rangers (of half blood Indians) raised in Boston for service in Acadia.

His connection with Acadia ceased after 1752. His brother Joseph Gorham was a Lieutenant Colonel in the regular army and was very active during the French and Indian wars. His name constantly appears in reports and orders.

Michael Franklin came from the South of England to Halifax in 1752 to engage in mercantile business. He was employed in public affairs in which he seems to have been unusually successful. He organized the Militia and was commissioner of Indian affairs. He was most influential with the Indians. He married a granddaughter of the famous Peter Fanuel of Boston. He has descendants in the Uniacke name in Halifax.

Amongst the notabilities in Cumberland after 1762 was Joseph Morse. He received the land grants of a Colonel and had some sort of a command at Fort Lawrence, but his name does not appear in any army list. He was originally a resident of Medfield, Mass., to which place his forbears emigrated from England in 1635. He had been the possessor of large means and was in intimate terms with Sir Jeffrey Amherst, by whom he was induced to advance supplies for the expedition Amherst undertook in 1759 up Lake George to reduce Ticonderoga and Crown Point. Morse was made a prisoner by the French, sent to France, where he was kept in close confinement, so that when exchanged his health was shattered. He was sent to London and received marked favor from George III., after which he sailed for Acadia and took up his residence at Fort Lawrence where he died. His descendants are numerous, many of them occupying prominent places in civil and public life.

#### YORKSHIRE IMMIGRATION.

Governor Franklin was very successful in his efforts to introduce English settlers on the vacant French farms; largely the result of his work, many scores of immigrants landed between 1772 and 1776.

The following Yorkshire people sailed from Hull on the 14th of March, 1774, for Fort Cumberland per Ship Albion:

Name	Occupation.	As a
William Harland	23 Farmer	To seek better livelihood
John Coulson	20 "	" " "
Mary "	20 His Wife	" " "
Jonathan Patison	19 Husbandman	" " "
Nathaniel Smith	52 Farmer	Their rents being raised by his land-
Elizabeth "	52 His Wife	lord Mr. Chapman they have
Nathaniel "	22	made a purchase of some land
John "	18 &	in North America
Robert "	9	
Elizabeth "	7 Children	With their parents
Rachael "	22 Children to	To seek for better employment.
Mary Veckel	20 Maid Servant	" " "
Hannah Veckel	20 "	" " "
Charles Simpson	22 Husbandman	
Thomas Scurr	34 Farmer	The advance of his rents by Francis
Elizabeth "	39 His Wife	Smith Jun. Esq., his landlord,
Thomas "	9	he is going to purchase land
William "	7	abroad
Charles "	5 &	
Elizabeth "	3	
Alice "	1 Children	To seek for better livelihood
Bryan Kay	28 Farmer	" " "
Dorothy "	42 His Wife	" " "
Robert "	42 His brother	" " "
Elizabeth "	16	" " "
Hannah "	14	" " "
Sarah "	12 His	" " "
Ann "	9	" " "
Jane "	7 Children	" " "
Anthony Thompson	20 Husbandman	" " "
Ann Atkinson	19 Servant	" " "
Ann Skelton	18 "	" " "
William Kay	20 Sailor	" " "
Joseph Palister	25 Labourer	" " "
John Atkinson	45 Labourer	To seek for better livelihood.
Frances "	30 His Wife	" " "
Charles "	6	" " "
Martha "	4 &	" " "
Michael "	3	" " "
John "	1 Children	" " "
John Reed	26 Husbandman	" " "
George Reed	33 Farmer	" " "
Hannah "	33 His Wife	On account of his rent being raised by
Ann "	9	his landlord Thomas Walker.
John "	6 &	" " "
Isabella "	4	" " "
George "	1 Children	" " "
Mary Simpson	25 Servant	To seek a better livelihood.
Edward Peckett	11 Husbandman	" " "
Lancelot Chapman	49 Farmer	On account of their rents being raised
Frances "	42 His Wife	by the Duke of Rutland so that
Thomas "	18	they could not live.
Rachael "	14	" " "
Frances "	12	" " "
Martin "	10 &	" " "
Ann "	8	" " "
Lancelot "	6	" " "
Hannah "	4 Children	" " "
Mary Harrison	17 Maid servant	To seek for better livelihood.
Paul Cornforth	70 Farmer	" " "
Phillis "	68 His Wife	" " "
William "	34 Farmer	" " "
Mary "	26 His Wife	" " "
Elizabeth "	4 &	" " "
Mary "	1 Children	" " "
Michael Taylor	45 Husbandman	" " "
Ann "	26 His Wife	" " "
Robert Charlton	17 Husbandman	" " "
John See	22 "	" " "
Thomas Harrison	24 Taylor	" " "

Name	Occupation.	As a
George Taylor	25 Farmer	" " "
Michael Taylor	23 "	" " "
Giles Pickett	41 Blacksmith	" " "
Mary "	38 His Wife	" " "
James Pickett	16 Children	going with their
John "	7	
Margaret "	5 of	
William "	1 Giles Pickett	Parents.
John Savage	40 Labourer	Going to seek a better livelihood.
Elizabeth "	55 His Wife	" " "
Anthony "	9 Son	" " "
John Dunning	24 Farmer	" " "
John Hill	25 "	" " "
Jane "	28 His Wife	" " "
Thomas "	2	" " "
Elizabeth "	2 &	" " "
Mary "	1 Children	On account of his rent being advanced.
James Handwick	34 Malster	
Elizabeth "	24 His Wife	Going to seek a better livelihood.
Edward Fenwick	28 Labourer	" " "
Robert Appleton	24 Husbandman	" " "
Joseph Stockdale	24 "	" " "
Thomas Lumley	45 Farmer	On account of his rent being raised by
Ruth "	44 His Wife	Mr. Knowsley his Landlord.
Diana "	14 &	
John "	6 Children	
Thomas Shipley	31 Butcher	To seek a better livelihood.
Elizabeth "	His Wife	
Sarah "	3 &	
Thomas "	1 Children	
Brian Kay	20 Husbandman	" " "
William Truman	52 Miller	On account of their rent being raised
Ann "	58 His Wife	by Durcan Esquire their landlord.
William "	22 Grocer a Son	
John Beys	24 Husbandman	A relation being dead they are going
Sarah Barr	21 Servant	to settle their affairs.
Richard Dobson	72 Gentleman	On account of their rent being ad-
William Pipes	49 Farmer	" " "
William "	22 Husbandman	
Jonathan "	20 "	
John Smith	28 "	
Mary Smith	26 Servant	
George Hunter	40 Farmer	In hopes of making a purchase.
John Watson	33 "	" " "
Richard Lowerson	32 Husbandman	
John Johnson	27 Tanner	To seek a better livelihood.
Martha "	His Wife &	" " "
William "	1 Child	
Henry Scott	27 Husbandman	" " "
Mary "	29 His Wife	
Henry "	3 &	" " "
Catharine "	1 Children	
Charles Blinkey	33 Farmer	On account of his rent being raised
Sarah Blinkey	33 His Wife	by his landlord Jno. Wilkinson.
Jane "	6 &	" " "
Mary "	1 Children	
William Atkinson	16 Tanner	" " "
William Chapman	44 Farmer	To seek a better livelihood.
Mary "	42 His Wife	On account of his rent being raised
William "	19	by his landlord Lord Cavendish
Thomas "	17	and all necessities of life being
Jane "	15	so dear.
John "	13 &	
Mary "	9	
Henry "	7	
Jonathan "	5	
Sarah "	3	
Ann "	1 Children	Rents being so high he goes in hope
Israel Marshall	28 Husbandman	to make a Purchase.
Henry Hammond	31 Farmer	" " "

Name	Occupation	As a
Margaret "	27 His Wife	
Henry "	5 &	
Jane "		
Margaret "	1 Children	
Tristram Walker	27 Husbandman	To seek a better livelihood.
William Robertson	15 "	" " "
Alice Dimond	24 Servant	" " "
Thomas Wilson	50 Joiner	" " "
James Wilson	19 "	" " "
David Bennett	30 Farmer	On account of his rent being raised
Mary Bennett	30 Wife of David Bennett	by Mr. Bulmer his landlord.
Henry Charmick	31 Chandler	To seek a better livelihood.
John Thompson	32 Farmer	On account of the great advance of
Joseph Thompson	26 "	rents and in hopes of purchasing.
Joshua Gildart	48 Husbandman	" " "
Robert Leming	51 "	" " "
Robert Leming, Jun.	17 "	" " "
John Gildart	19 "	To seek a better livelihood.
Eleanor Harrison	48 Widow	" " "
Miles Ainson	42 Blacksmith	" " "
Mary "	30 His Wife	" " "
Miles "	6	" " "
Thomas "	3 &	" " "
Mary "	1 Children	" " "
Charles Clarkson	19 Husbandman	" " "
Richard Thompson	25 Farmer	Lord Bruce having raised his rent.
William Sinton	21 Miller	To seek a better livelihood.
Joseph Jacques	28 Farmer	On account of their rent being raised
Elenor Jacques	28 His Wife	" " "
Richard Carter	27 Farmer	" " "
Robert Atkinson	28 "	" " "
Ann "	21 His Wife	" " "
Diana Tatum	25 Servant	To seek a better livelihood.
Ralph Sidell	29 Cartwright	" " "
Ann Weldon	38 —	Going to her husband who is settled abroad.
Andrew "	12	
Elizabeth "	8 &	
Thomas "	4	
Ann "	1 Children	
Jacob Blackburn	27 Servant	
George Gibson	36 Miller	
Thomas Little	27 Tanner	To seek a better livelihood.
Ann "	24 His Wife	" " "
William Winn	27 Farmer	" " "
David Winn	17 "	" " "
Mathew Fenwick	16 Servant	" " "
Mary Lowthier	21 "	" " "

The following Yorkshire people sailed from the same port on 0th April, 1775, on the ship Jenny for Fort Cumberland,

## EMIGRANTS FROM ENGLAND.

Name	Occupation	As a
William Black	43 Linen Draper	Having made a purchase is going
Elizabeth "	36 His Wife	with his family to reside there.
William "	14	" " "
Richard "	11	" " "
John "	15	" " "
Thomas "	9 &	" " "
Sarah "	7 Children	" " "
Mathew Lodge	20 House Carpenter	Going to seek a better livelihood
Elizabeth Aldfield	25 Servant	" " "
Jane Hudry	16 "	" " "
Elizabeth Beaver	30 Hsekeeper to the Gov'n'r	" " "

Name	Occupation	As a
Bridget Sedel	38 —	Going with her children to her husband.
Mary "	7	" " "
Francis "	6 Her	" " "
Sarah "	1 Children	" " "
Christopher Horsman	27 Farmer	Going to seek a better livelihood.
Robert Colpits	28 "	" " "
Christopher Harper	45 "	Having made a purchase is going to reside there.
Elizabeth "	40 His Wife	
Hannah "	15	Going with their parents.
Elizabeth "	14 &	
John "	13 Children	
Thomas "	12 of	
Catharine "	7	
Charlotte "	6	
William "	4 Christopher Harper	
Thomas King	21 Blacksmith	Going to purchase or return.
William Johnson	28 Gentleman	" " "
Mary Lowry	27 —	Going over to her husband.
Mary Lowerson	27 —	" " "
Thomas Wheatley	53 Farmer	" " "
William Clark	42 Farmer	Going to purchase or return.
Mary "	13	" " "
William "	10 His	" " "
Richard "	9	" " "
Rachael "	3 Children	" " "
John Skelton	38 Servant	Going to seek a better livelihood.
Jane Skelton	36 —	" " "
Francis Watson	18 Taylor	" " "
John Bath	23 Servant	" " "
William Johnson	49 Farmer	Having purchased an Estate is going over with his family
Margaret "	48	and servants to reside.
George "	26 Servant & Carpenter to Wm. Johnson	" " "
William Johnson	23 Son of Wm. Johnson	" " "
Emanuel "	16 —	" " "
Joseph "	14 —	" " "
James Hulton	15 Apprentice to "	" " "
Elizabeth Anderson	36 —	Going over with her children to her husband who is cooper to William Johnson.
Mary "	9	" " "
Jane "	7	" " "
Moses "	5 Her	" " "
William "	4 —	" " "
John "	1 Children	Going to seek a better livelihood.
Thomas Walton	24 Husbandman	Having purchased, is going over with his family.
William Robinson	42 —	Going with their parents.
Elizabeth "	30 —	" " "
Jonathan "	5 —	Going with William Robinson.
Francis "	3 of	" " "
William "	2 William Robinson	To make a purchase or return.
Thomas Kalin	24 Servt to Wm Robinson	Going with their father.
Patience Fallydown	22 —	Going over to her husband.
John Robinson	47 Husbandman	he having a farm there.
Ann "	13 His Daughter	" " "
Jenny "	9 —	Having made a purchase, is going with his family to reside.
Mary Parker	40 —	Going with their parents.
Elizabeth "	9 Her	" " "
James "	2 Children	" " "
Richard Peck	47 Husbandman	
Jane "	42 His Wife	
Mary "	20	
Jane "	17	
Helen "	15	
Isaac "	13	
Robert "	10	
Rose "	7	
Richard "	5	
Joseph "	2 Children of Rd. Peck	Going over to their father.
Sarah Fenton	15 —	
Mary "	9 —	

ALSO FROM PORT OF NEWCASTLE 24TH APRIL, PER PROVIDENCE FOR HALIFAX.

NAME		Occupation	As a
Mathew Hewton	30	Yeoman (sic)	In expectation of better employment.

ALSO FROM PORT OF POOLE 6TH NOVEMBER, PER SQUIRREL.

NAME		Occupation	As a
Abraham Osgood.	43	Merchant	Going to Halifax and intends to return.
Thomas Palmer	49	Mariner	All Masters of Ships on their return
Josiah Shackford	47	"	Home having left their ships
Stephen Meads	25	"	in England for sale.
John Hart	25	"	" " "
Gideon Crawford	39	"	" " "

## THE EDDY WAR.

On the 24th. of May, 1776, a meeting took place at Maugerville, N.B., at which a committee was appointed to make application to the Assembly of Massachusetts Bay "for relief under their present distressed circumstances".

The committee consisted of Jacob Barker, a J. P., and a ruling elder of the Congregational church; Phineas Nevers, Isreal Perley, Daniel Palmer, Edward Coye, Israel Kinney, Asa Perley, Moses Pickard, Thomas Hartt, Hugh Quinton, Asa Kimball and Oliver Perley. One hundred and twenty-five signed resolutions to join Massachusetts. Nine persons at the mouth of the St. John river and three others refused, as follows:

William Hazen, Thomas Jenkins, James Simonds, Samuel Peabody, John Bradley, James White, William Mackeenell, Zebedee Ring, Peter Smith, Gervas Lay, Lewis Mitchell, —— Darling, John Crabtree, John Hendrick, Zebalon Estey, John Tarlee, Joseph Howland, Thomas Jones and Benjamin Atherton.

The most violent animosity existed between the old settlers and the new—between settlers from New England, who were naturally imbued with the principles of the declaration of independence and were in active sympathy with the revolutionists of Lexington and Concord on the one hand, and on the other hand

the immigrants from Yorkshire, who, in their steadfast loyalty, scorned the party of rebels. The latter, in their attempted capture of Fort Cumberland, occupied the surrounding country sufficiently long to commit many depredations on the loyalist settlers in which they were aided and abetted by the disaffected inhabitants. The position of the newly arrived Yorkshire families at this date was perilous enough to create grave disquietude. A very large proportion of the immigrants from the Atlantic States were open and avowed sympathisers with the war against the mother country. From Cumberland to Onslow and from Falmouth to Yarmouth they formed an overwhelming majority. When it was proposed at Halifax to enroll the militia as a measure of defence against threatened invasion, it was abandoned on account of disaffection. Montreal had been captured by the Americans and Quebec was besieged. Two hundred Indians had gathered at Miramichi threatening an incursion into the English settlements. Halifax, itself, was not fortified and fears were entertained that the ordnance stores at the dock yard would be destroyed by incendiaries. Moreover it possessed no such body of regulars as could repel a well organized expeditionary force of invasion. Fourteen inhabitants of Cumberland were said to have gone to the Continental Congress with a petition signed by some 600 persons asking for a force to help capture Fort Cumberland—from whence it was proposed to make a descent on Halifax and wipe out the last vestige of British authority in old Acadia. So open were the disloyal elements in their designs and so certain of success that they were accustomed to hold their meetings in a tavern within the range of guns from the Fort Cumberland and every man of prominence who did not join them was marked.

In Londonderry, Onslow and Truro all except five refused to take the oath of allegiance. In Kings Co., a liberty pole was cut and was ready to be hoisted when a company of Rangers arrived.

The rebellious element in Cumberland numbered about 200 people, many of them being persons of means and consequence, and their assistance to Eddy was of extreme importance in fur-

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thering his projects. He had counted on their support and also the co-operation of the disaffected element at Cobiquid to carry the country. The Indians played but a minor part in the episode.

In August, 1775, Charles Baker of Hillsboro reported at Halifax that the New England rebels had cleared a road from St. John river to Shepody, to enable a force to march on Fort Cumberland. This news caused some alarm as General Gage had withdrawn nearly all the Nova Scotia garrisons to reinforce the English army in New England.

This news was confirmed in October, 1776, by the intelligence that a force was being gathered on the frontier to invest Fort Cumberland and capture Acadia, and steps were at once taken to provide for its defence. Defensive plans had already been designed by Michael Franklin. He had been made a member of the Council in Halifax in 1762, and Lieutenant Governor five years later. He held that position for ten years and was then made Indian agent, a place requiring diplomatic gifts of a high order. He had been a prisoner with Indians as a youth and understood their language and their ways. His personal influence was such that he was able to enrol a corps of volunteer militia in the Minas townships 450 strong.

Michael Franklin, while a resident at Windsor, was also proprietor of the Franklin Manor, situated on the River Hebert at the upper end of the Minudie marshes. He had introduced North of England immigrants into Cumberland and his property was well tenanted. He, as well as most of the settlers, were plundered by the invaders.

On November, 1776, Col. Eddy a Cumberland man appeared before Fort Cumberland with a force of 180 men, recruited chiefly at Machias and at Maugerville on the St. John River. He made a couple of night assaults on the Fort, which were repulsed by Col. Goreham then in command. The latter's garrison was a force of 260 fencibles. Eddy had however made some minor captures. An outpost at Shepody, he had captured, and a vessel loaded with

supplies in the creek below the fort he had seized. He made some forty prisoners, amongst them Parson Eagleson. They were sent to Boston.

Major Dixson, who had already distinguished himself in the affairs of 1755-6, volunteered to carry despatches to Halifax, and he successfully eluded the watchful eyes of the enemy and reached there.

Franklin threw a detachment of his militia corps into Fort Edward, which enabled General Massey, then Commander in Halifax, to send Major Batt with two companies to Fort Cumberland.

On 26th November, the garrison beheld with joy 4 small vessels sail into the Basin and anchor below the Fort, conveying Batt's force. On 28th, Batt made a sortie dispersing Eddy's force and killing two Indians and one white man. Eddy and his compatriots fled through the woods back to the St. John River. The lateness of the season, and the cold, together with loss of equipment, rendered their toils and sufferings almost unbearable.

Amongst the prisoners taken on 28th November were Dr. Parker Clark, James Avery of Cobiquid, Capt. Thomas Falconer, of Cobiquid, who joined Eddy with a company of 25 men, to remove the yoke of British tyranny and Richard John Uniacke. They were taken to Halifax. Avery escaped from jail, Clark and Falconer were indicted. Uniacke's name appeared in the indictment as a witness, but as he was not present at the trial, it appeared that the Attorney General had adopted this method of pardoning him on account of his youth. The Crown witnesses were, Lieut. Dixson, William Black and Thomas Robinson. Both Clark and Falconer were convicted, both pleaded pardon and their cases were respite. They were probably released, as there is no further record of them.

Col. John Allen, who was a large land-owner in the district and a violent sympathizer with the rebellious ele-

ment, presented a long memorial to the Council Board of Massachusetts Bay dated February 19th, 1777, stating: "Notwithstanding the iron rod of despotism keeping them from having a share in the glorious revolution, yet they openly avowed their sentiments during unnatural and cruel war, \*\*\*with pain and grief have they from time to time seen supplies procured in the neighborhood for the use and benefit of the enemy of America \*\*\* nothing could be done without assistance from other parts \*\*\* with longing eyes did wait the expected relief, the last spring when to their great affliction heard that Capt. Eddy was come without succor for them and to aggravate their distress he immediately leaves the country with his family. \*\*\*It was judged that unless five hundred men could be secured with a good commander and sufficient supplies there would be no probability of success. In this time Mr. Franklin, late Lieut. Governor of the Province, came to Cumberland and offered an enlistment for the inhabitants to sign in which they were to promise with their lives and fortunes to support the dignity of the Crown. A few of the emigrants signed it, but the body of inhabitants declared their detestation and abhorrence."

"In the beginning of November Capt. Eddy arrived, acquainting them that he had come by authority of Massachusetts State to assist them in throwing off the yoke of British tyranny, but seeing the small number of his men (about 60) told him there was no probability of success. He told them that as they had supplied the enemies of the Americans, Congress doubted their integrity.\*\*\* If they would now assert their rights publicly against the King's government, he was come to help them and in fifteen days expected a reinforcement of a large body of men. Most of the English and all of the French capable of bearing arms immediately formed and joined under Capt. Eddy. After a few days they attempted to storm the Fort. They began to suspect that they had been imposed on and that the men who came with Capt. Eddy, were induced to it by expectation of much plunder. The inhabitants chose a committee and sent an express to your honours for aid. On 29th November reinforcements to the enemy came. A sally determined on, the camp was surprised and all fled except one

white man who was killed. The enemy pursued with all expedition for six miles, burning during their pursuit twelve houses and twelve barns, in which were contained one quarter of the bread of the country. Capt. Eddy and his men retreated to Sackville, and from there to the river St. John, leaving signs of devastation and destruction behind them. Col. Gorham issued a proclamation offering pardon to those who would come in and lay down their arms; many were compelled to comply.\*\*\* Great numbers of the inhabitants choosing rather to face difficulty and danger than submit to the British yoke were forced to leave their habitations, nearly seventy families of English were left without a man amongst them, the French Acadians fled to the woods; many outrages were committed by some who came with Mr. Eddy."

At the conclusion of peace, Col. Eddy obtained a grant at Eddington, Maine, where he has many descendants. His farm, also within the Cumberland township, was escheated with that of Allans, and also that of Capt. How, second in command to Eddy. He had previously married Joseph Morses' widow, with whom he had gained an extensive property.

In 1785 Congress granted the following lands at Eddington Maine to those who fled from Nova Scotia:—

Jonathan Eddy	1500 acres.
Ebenezer Gardner	1000 acres.
Zebulun Roe	750 acres.
William Maxwell	750 acres.
Robert Foster	550 acres.
Parker Clark	500 acres.
Atwood Fales	450 acres.
Elijah Ayer	400 acres.
Wm. Eddy	350 acres.
Phineas Nevers	1000 acres.
Nathaniel Reynolds	300 acres.
Samuel Rogers	300 acres.
Thomas Forkner	230 acres.
John Day	230 acres.

Anthony Burk	150 acres.
John Eckley	150 acres.
Jonathan Eddy, Jnr.,	150 acres.
Wm. Howe	150 acres.
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Total	9360 acres.

Elijah Ayer was Quarter-Master of the American troops at Machias in 1776.

Col. Allen made his home in Massachusetts, where his descendants live.

In 1785, Col. Eddy published the names and residences of 61 men who had fled from Acadia in 1776. He says these were 63 others whose names and addresses he could not find.

Lieut. Wm. Eddy was a Lieut. in the Continental Army. He was married to Olive daughter of Joseph Morse. He was killed by a shot from a British frigate in 1778, near Eastport while in an open boat on his way to Sackville.

Privateering was a branch of industry actively pursued during the revolutionary war. In May 1782, H. M. S. Atlanta overhauled in Bay Fundy an American privateer carrying six guns.

The crew escaped in three boats to the shore and took to the woods. The crew consisted of Eddy men, a leader of them being Rogers, in the invasion of 1776 and for whose apprehension £100 was offered by the Nova Scotia government.

Uniacke had an adventurous and brilliant career. Moses Delesdernier a native of the Canton of Geneva, a resident of North Joggins, Sackville, N. B., and an army contractor, was in Philadelphia in the year 1774, no doubt on a trading cruise. Happening to notice a number of immigrants landing on a wharf from a West Indian vessel, he was attracted by the appearance of a young man of striking personality. He accosted him and this led to an acquaintance. The young man was a stripling in

age.. had left his home in Ireland to seek his fortune. Delesdernier invited him to return with him to Sackville. The latter accepted. From such a slight circumstance, originated not only a romantic episode but an event that has served in some degree to mould the history of Nova Scotia. Arriving at Sackville he proceeded to fall in love with his host's daughter. He was 21 years of age and she was 13. The record states that Richard John Uniacke and Martha Maria Delesdernier were duly married on the 3rd of May, 1775. He afterward returned to Ireland, studied law there, returned to Nova Scotia and in 1783, was elected a member of the Assembly for Sackville, being first Solicitor-General and then Attorney-General. Thus was founded a family that became prominent in Nova Scotia and has contributed many members to the public services of the country.

Richard John Uniacke after the affair of 1776 returned to Ireland where he studied law, and in 1781 he was admitted attorney at law at Halifax.

Another militant Nova Scotian namely, S. G. W. Archibald's name has been associated with that of Uniacke in connection with the Eddy troubles in Cumberland. This is a popular error. Archibald was not born until 1776, the year Fort Cumberland was invested by Col. Eddy. He entered the Legislature of Nova Scotia in 1806, the year Uniacke retired. That his father was treacherously killed in a duel with a British officer in the West Indies, for disloyal sentiments that he openly declared, has been a long cherished fiction, that was given some credence by reason of the distance and the difficulty of communication in those days. The facts supported by ample evidence are that he was taken sick at one of the W. I. Islands of a fever and died eleven days after.

Franklin charged Delesdernier and Samuel Wetherbe with being hostile to the Crown and they were dismissed from all employment. Delesdernier in his letters to the government denies strenuously any disloyalty. Gorham's reports exonerated Delesdernier. He was a heavy loser and he never received any compensation for it.

Gorham in the proclamation of pardon which he issued excepted, Jonathan Eddy, Samuel Rogers, William How, John Allen and Zebulon Rowe; a reward of £200 was offered for the apprehension of Eddy and £100 for the latter named.

Parson Eagleson was a stormy petrel of troublesome times. He was brought up in the Kirk of Scotland and afterwards changed to the Church of England. One account says he was ordained by the Bishop of London, being highly commended by Chief Justice Belcher and Lt. Governor Franklin and was appointed missionary for Cumberland in 1770. Another account is that he came from Quebec to Fort Cumberland as chaplain to a detachment of the 54th in 1765. At the same time there came two young men named Payzant and their sister. Some years before the Indians had descended on their father's place at Mahone Bay, killed and scalped him, set fire to the house and carried these boys and their mother into captivity. The children were kept at St. Anne's, now Fredericton, but Mrs. Payzant was separated from her children and sent to Quebec, where a daughter was born. Through the efforts of the R. C. Bishop, Mrs. Payzant recovered the possession of her children—and one of the boys became a dignitary of the R. C. Church. After the reduction of Quebec the others returned to Nova Scotia.

A tradition is, that Mr. Eagleson lived his last days with a Siddal family at Wallace. One account of him makes him a bibulous, free and easy clerical. The enmity he provoked shows he was a staunch loyalist, and the journals of the S. P. G. P., covering a period from 1772 to 1781 shews the Society had absolute confidence in him. He was taken prisoner by the Eddy party in Nov. 1776, and shipped to Boston, and it was not until ten months after that the Society learned the fact. He was kept a prisoner for sixteen months when he effected his escape and returned to Cumberland, when he found his house had been raided, and his property dispersed. He wrote in 1778 to the Society lamenting the absence of any place of public worship, but said he was holding services in a borrowed mansion, to wit that of Joseph Morse. Later, in

1781, he advised the Society that he had been obliged to leave Cumberland again for fear of capture, as the rebel boats were in the Bay. He was then stopping at Windsor, and that up to the time of his leaving he had officiated at the fort to a considerable number of people. His ministrations were probably the first regular Anglican services held at the head of the Bay.

#### ARRIVAL OF LOYALISTS.

In 1785 the Loyalists received large grants at Cobequid (Westchester) and Ramshag (Wallace). At Cobequid 31,750 acres were distributed on the 2nd of June among 85 persons representing 246 men, women and children. The grantees were:

Stephen Seaman, Matthew Dallaway, Ezekiel Seaman, Peter Rushlin, Jesse Ogden, Thomas Wheaton, Moses Simmonds, David Pugsley, Israel Parker, John Grieson, Henry Piers, James Ackel, James Morris, Charles Jennings, Wright Weeks, William Lopree, Johnathan Palmer, John Mayby, Joseph Sears, Jeremiah Seaman, John Crawford, Joseph Purdy, David Mills, Joseph Peime, Daniel Dickerson, Shubad Lewis, Stephen Purdy, William Coon, Charles Vincent, Jesse Schofield, Josiah Baker, James Mead, Samuel Bishop, John Williams, Samuel Wood, John Sherwood, James Chasse, Nathaniel Hodge, John Ogden, Lieut. Samuel Embree, Zaccariah Snieder, Joshua Horton, John Wilson, Jeremiah Rushtin, Lieut. Abraham Covert, Henry Stultz, Henry Gray, Simon Outhouse, Robert Purdy, Peter Maby, Lieut. Gilbert Haveland, Jabez Rundle, John Rushtin, Sr.; Martin Creary, Jonathan Snider, Nathan Golding, Obadiah Simpson, Aaron Fountain, Henry Frenchard, John Baxter, Nathaniel Purdy, David Ackley, Joseph Embree, Jr.; John Hunter, John Rimiss, James Miller, James Lounsbury, Henry Purdy, Elijah Smith, Jonathan Warden, Daniel Holmes, James Austen, John Austen, Samuel Horton, Caleb Griffin, Amos Fowler, John Myers, John Brisbane, Capt. Gideon Palmer, Nathaniel Ackley and Benjamin Chamberlain.

The Ramsheg Grant of 20,300 acres was made on the 16th June, 1785, to the following 106 grantees; Isaac Ackerly, jr., Alexander Piers, Joseph Earles, Joel Edget, John Hunt, Sybal Beardsley, Samuel Neills, James Totten, jr., Joseph Tidd, Samuel Halstead, James Brisbane, Lank Steves, Capt. Gilbert Totten, Samuel Cornell, Obediah Ackerley, Nathaniel Wyatt, James Derry, Reuben Mills, Isaac Tidd, Thomas Jenkins, Oliver Smith, Capt. Frederick Williams, Zinns Golding, Nathaniel Niles, John Edgett, Daniel Tidd, Job Bryant, Samuel Holliday, Joshua Ferris, Gilbert Purdy, John Derry, William Williams, Samuel Holmes, Capt. Moses Knapp, Daniel Dunn, John Rushtin, jr., Lockwood Baxter, John Robblee, John Baker, Thos. Hasteed, John Stephens, Michael Lloyd, Robert Hatch, Jonathan Fowler, Ensign Augustus Baxter, John Brown, Jeremiah Merritt, Frederick Philips, Samuel Haveland, Jos. Piers, William Foster, Solomon Horton, Capt. Barnes Hatfield, Daniel Totten, John Tidd, Ensign Ephraim Piers, James Totten, Isaac Ackely, jr.; William Budd, James Totten, sr., Oliver Ackley, Peter Winne, Angus McFen, Capt. Samuel Kipp, Samuel Williams, Gabriel Purdy, Zekel Piers, John Angevine, John Jacobs, John Chatterton, Mencus Myers, James Tidd, Absolom Smith, Jacob Veal, John Lusargee, Samuel Horton, Thomas Cornell, John Ganong, Frederick Baxter, James Huson, Joshua Brundige, Moses Tidd, Ebenezer Brown, Paul Carpus Schoffield, John Totten, John Parre, John Lowe, Josiah Fowler, John Piers, John Edmunds, Noah Webb, Andrew Fosner, John Pugsley, Jesse Schoffield, Daniel Pugsley, Nathaniel Hoeg, James Chase, Daniel Piers, James Golding, James Knipp, Jeremiah Newman, James Tellet, Jesse Mills.

#### FIRST PROVINCIAL PARLIAMENT ASSEMBLED.

In 1758, when the Nova Scotia Assembly was first called, the province not being divided into counties, the first members were elected somewhat promiscuously from the inhabitants pursuant to a summons from the provost marshal. A settlement of 25 qualified electors was entitled to send a member, but a Cumberland name does not appear amongst the

nineteen members elected. When the next Assembly met, (1759), the province had been divided into five counties, and the township of Cumberland had two members and the county two. Messrs. Winkworth Tonge, Joseph Frye and John Huston—all connected with the military establishment at the Fort,—were returned as elected. In 1765 the Township was represented by Josiah Troop and the county by Benoni Danks and Gam. Smeethurst.

In the "Long Parliament" from 1770 to 1784 Jonathan Eddy represented the Township, and John Huston and Joshua Winslow the county.

In 1774 Jotham Gay succeeded Winslow who had left Chignecto.

In 1775, William Scurr succeeded Huston and John Allan took the place of Eddy.

The seat of Allan, Scurr and Rodgers, were declared vacant for non-attendance.

In 1777 Thomas Dixson is associated with Gay as member and H. D. King as member for the township.

In 1783 Richard John Uniacke was elected for the township of Sackville. New Brunswick was set off as a separate province in 1784. A general election took place in 1785, when John Butler Dight (of Commissary Dept.) and Christopher Harper, were elected for the County and for Amherst, William Freeman. The former being absentees in 1786 their places were taken by Phillip Marchiston and Charles Hill.

Dight was nephew of the Hon. Joseph Butler; he inherited his estate and assumed his name; he was the father of the late Col. Butler of Windsor. Marchiston was a New York merchant who removed to Halifax and finally retired to Cornwallis, where he died. He was grandfather of Major Welsford, of Sebastopol fame. In the general election of 1793 William Freeman and Samuel Embree were elected for the county, and Thomas Lusby from the township.

In 1799 Thomas Roach and George Oxley were elected for the county and Thomas Lusby for the township.

In 1806 Mr. Roach was re-elected, with Henry Purdy for the County, and Edward Baker for the township.

In 1812 the same were re-elected. In 1820 Mr. Purdy was succeeded by Richard Blair, the owner of the Franklin Manor. Mr. Blair returned to England in 1825 and resigned his seat.

In 1818 Mr. Baker was succeeded by Hon. James Shannon Morse who held sat 1836. From 1826 to 1836 the county was represented by (Judge) Alexander Stewart and Joseph Oxley.

#### ENGLISH SETTLERS IN CUMBERLAND.

The township of Cumberland being first settled about two hundred and fifty years ago there have been many grants, changes of ownership and changes of population. The grants since the Acadian deportation only are dealt with.

A grant was made of 34,500 acres on 27th, November, 1763, addressed to John Huston, Joshua Winslow and William Allan, Esquires, Abiel Richardson, Elijah Ayer Josiah Throop and Joseph Morse, Committee of the Township of Cumberland ratifying a former grant signed by M. Wilmot, Governor of Nova Scotia, and R. Bulkeley as Secretary for the following grantees:

Joseph Morse	Wand. Eager
Elijah Ayer	Arch. Hinchelwood
Jos. Throop	Gideon Gardner
John Huston	Samuel Danks
Josiah Winslow	Thos. Dixson
Jesse Bent	Zeb. Roe
Gam. Smethurst	John King
Sen. Martyn	Hez. King
James Law	John Bent
Abiel Richardson.	Jona Cole
Sara Jones	Eben Gardner
Wm. Best, Jun.	Jona Eddy
Oba. Ayer	Wm. Huston
Wm. Nesbit	Alex. Huston
Wm. How	Samuel Chester

Thos. Proctor	Dan'l. Earle
Brook Watson	Robert Watson
Wm. Allan, Sr.	Anthony Burk
Wm. Allan Jr.	John Philman
Jotham Gay	Wm. Southard
Mar'n Peck	Samuel Raymond
John Walker	Neh. Ward
Danl. Gooden	John Collins
Hen. McDonald	Jos. Ayer
Eben Storer	John Clews
Thos. Fulton	Wm. Milburn
Benoni Danks	Abiel Richardson, Jun.
Samuel Gay	Geo. Allan
John Allan	Wink. Allan
Assel Danks	Jebez Chappell
Isaac Danks	Lifey Chappell
Charles Oulton	The 1st Minister
Daniel Barnum	The Glebe
Eb'r Barnum	The School

This grant was enclosed between the Au Lac and LaPlanche Rivers on the one bay and the rivers Gaspereaux and Tidnish on the other Bay. Each right consisted of 500 acres. The quit rent was one shilling per each 50 acres which, if not paid for three years and no distress found the grant is void. One third had to be cultivated or forfeited in ten years, another third in 20 years and the balance in 30 years; also plant two acres of hemp and settle in one year. No rights could be alienated in within ten years without consent of governor. This permission was to secure Protestant settlers. Each right had to be occupied within a year after the grantee with proper stock, implements, &c.

A grant was issued of 15,750 acres on 17th September, 1764, signed by Montague Wilmot, Governor, and Richard Bulkeley addressed to Joshua Winslow, and William Allan, Esquires, Abiel Richardson, Elijah Ayre, Josiah Throop and Joseph Morse, Committee of the Township of Cumberland. The grant recites that a former grant was insufficient to secure the properties. The names of the grantees were: Thomas Throop, Benoni Danks, Samuel Weatherbe, Thomas Hunt, Samuel Smith, Thomas Maul, Atwood Vails, Moses Pierce, John Spring, William Bearisto, Enoch Gooding, Theoph. Fitch, Caleb Eady, Wm. Maxwell, Mariner Maxwell, Caleb Sherman, Jesse Converse, Timothy Davis, Joshua Tufts, William

Cooley, John Sampson, Samuel Weatherbe, Nat Sheldon, Simon Newcombe, Sr. Mark Patton, Jos. Burnham, Moses Barnes, Alex. Mills, Wm. Maxwell, John Brown, Simon Newcomb, Samuel Danks, Asel Danks, Godfrey Richardson and John Eady.

An office for the registry of land titles was opened at Fort Cumberland in February, 1764. It was probably the third one in the Maritime Provinces, those at Port Royal and Halifax ante dating it, the latter fifteen years. During the first five years the transfers related to lands in Sackville and Cumberland—now the parish of Westmorland. The first transfer relating to lands in the present town of Amherst or present County of Cumberland, did not take place till 22nd day of August, 1768, when Ebenezer Fitch, who is styled "Captain of the town," exchanges lot 64 for lot 65 with Simon Fitch.

The first deed registered was on 10th Febraury, 1764, when Mark Patton sold to John Huston, 6 acres at Green Hill for £7. 5. 0. The second deed, dated 8th February, 1764, transferred 30 acres of land on the Missiquash belonging to Abial Richardson to Benoni Danks for £30. The third and fourth deeds related to exchanges of lands between Abial Richardson and John Brown. The fifth deed was for 5 acres at Green Hill sold by William Milburn to Abial Richardson for £5. The Glebe land 500 acres was conveyed by Wm. Allan, Benoni Danks and Thomas Dixson to Rev. Caleb Gannet on 10th Aprit 1769.

At this time two members of the Gooden family now so numerous appear on the records. On 10th February, 1764, Enoch Gooden conveyed to Benoni Danks one acre in the town plot for £1. On 12th February, 1767, Daniel Gooden, conveyed to William Allen, Attorney of Martin Gay of Boston lot 27B and 20 acres of Marsh for £40. In 1764, 22 deeds were registered; in 1765, 24 deeds.

When New Brunswick was erected into a Province in 1784, a registry office was started in Cumberland County. When the population of Cumberland—Isthmus—was estimated at 900

and at Partridge Island 700. Up to this date 18,000 loyalists had arrived in Nova Scotia.

#### TOWNSHIP OF AMHERST.

Before the re-christening of Amherst after Lord Amherst in 1759, it was called by the French "Les Planches." A small settlement of Acadians lived there; their dwellings were burned at the time La Loutre destroyed Beau Bassin (Fort Lawrence).

A trail made across the marsh from Fort Lawrence, turning west at the upland and skirting it, led towards Amherst Point and Nappan. While its name is placed on the old maps, none of the old literature available mentions it. It therefore commences its historical existence when under English occupation it was laid off with other townships in Acadia and grants made. Grants were issued as follows: John Jackson, 800 acres, 4th of January, 1764 John Jackson, 1000 acres, 19th January 1764; Alex. Legrier, 500 acres, 10th August, 1764; Hugh Goddard, 1000 acres, 21st October, 1764; Nicholas Cox, 1000 acres, 24th November, 1764, John Saunders, et al, 26,750 acres, 30th October, 1765.

The inhabitants of the Isthmus in 1767 were

	Males	Females	Irish	Americans	Acadians
Amherst	68	57	85	29	4
Cumberland	190	144	28	269	
Monckton	34	26	4	7	(49 Germans)
Sackville	181	168	5	343	

English and Scotch in these settlements numbered less than 40.

In May 1765 is met the name of Joseph Frederick Wallet De Barres as a victim of land lust. He with others obtained a grant of 8000 acres of land at Minudie on which returned Acadians squatted. He sought to eject them and this produced in after years much litigation. The bulk of the property was afterwards purchased by Amos Seaman known locally for many years as "King Seaman." In August 1765 Des Barres obtained a grant of

20,000 acres at Tatamagouche. Des Barres was a Colonel in the English Army and also Colonial Governor. His varied experiences made his life a picturesque and stirring one. His services to the Crown were many and important; few of the colonial worthies of that day are more deserving to have their names perpetuated. Governor Franklin was also afflicted with the same land disease; he obtained a grant of 20,000 acres adjoining Des Barres at River Hebert, called the Franklin Manor. The Saunders grant, signed by Governor Montague Wilmot, was registered on the 9th of July, 1772, the grantees names were as follows: John Saunders, Joseph Coghran, Thomas Coghran, John Stuart, David Forrest, Matthew Crawford, Thomas Jnee, James Henry John Grace, John Croghan, Matthew Dickey, Patrick Porter, James Law, John Clark, John Campbell, Francis Campbell, John Vance, Richard Webber, Nicholas Head, Robert Berry, Matthew Sharpe, Robert McGowan, Samuel Creelman, Robert Martin, William Martin, Jael Smith, William Zelory Tufts, Nathaniel Reynolds, James Roberts, George McNutt, John Simpson, Jonathan Davidson, James Fulton, Elishah Freeman, Francis Freeman, Francis Sheen, Alex. Huston, Ebenezer Fitch, Simon Fiteh, Mark Patton, Jr., James Coghran, William Nesbit, a Ministers Lot, a Glebe lot, a share or lot for schoolmaster. Each share contained 500 acres. The Saunders grant did not cover the lots along Victoria street, but occupied the ridge towards the Nappan River. A grant was made to Peter Campbell, et al, of 5,500 acres on 11th January, 1768. His co-grantees were Elisha Blackman, Jonathan Baker, Samuel Baker, Antrobus Shaw, John Star, and William Freeman.

On March 1774, the ship "Two Friends" sailed from Hull for Halifax with immigrants from Yorkshire. The following are some of the names:

John Smith	29	Farmer.
Mary Smith	25	
John Smith	4	
George Smith	2	
William Smith	1	
Robert Fawcett	30	SailCloth Maker
Samuel Pickering	23	Farmer
Frances Layton	29	Blacksmith
Elizabeth Layton	26	
Frances Layton	1	Child

John Layton	22	Husbandman
Richard Peck	46	Farmer
William Hodgson	22	Husbandman
John Wilson	46	Farmer
William Ward	24	Farmer
Elizabeth Ward	22	
Robert Appleby	21	Husbandman.
Elizabeth Wrightson	20	Servant.
John Sedgewick	39	Farmer.
Thomas Harwood	34	Farmer
Armstead Fielding	42	Farmer.
Elizabeth Fielding	40	Farmer
John Fielding	15	
William Fielding	14	
Nieholas Fielding	12	
Hannah Fielding	8	
Esther Fielding	5	
Joseph Fielding	2	
William Blenkhorn	33	Farmer
Ann Blenkhorn	29	
William Blenkhorn	7	
John Blenkhorn	4	
Ann Blenkhorn	2	
Eleanor Blenkhorn	1	
Abraham Mason	43	Husbandman.
Richard Thompson	30	Husbandman.
John Bulmer	45	Farmer.
Jean Bulmer	46	
James Bulmer	20	
George Bulmer	14	
Joseph Bulmer	10	
Ann Buisse	60	Shop Keeper
Richard Bowser	29	Farmer.
Ann Buisse	26	Servant.
Christopher Harper	40	Farmer.
Thomas Harrison	28	Husbandman.
John Wry	23	Weaver.
Pickering Snodon	22	Weaver.
John Fawceit	29	Farmer.
Jane Fawceit	28	
Mary Fawceit	4	

The letter below from James Metcalf to his intended wife throws a side light in the conditions of life in Cumberland in 1772. The letter, though rude in form, exhibits a man of strong purpose and high character. It was two years reaching Ann Gill. She arrived at Fort Cumberland in 1774 and despatched a messenger to Mr. Metcalf, who awakened him at 2 o'clock in the morning with news. He started at once with a led horse for the Fort where he met her. They were married at Fort Lawrence that day. They left two daughters, one of whom married

Wm. Sharpe and the other Charles Atkinson. Amos (King) Seaman married a daughter of the latter.

AUGUST, 1772.

My Dear: This comes to let you know that I am in good helth as these Lines I hope I shall find you, wee are meany Leagues part but Distance or lenth of time since we parted hath not made mee to forgit you, I have got 207 acers of land 33 acers of clear land very good land a good part of it will bee easly cleared, because it hath been formerly cut by the French, I and other two have 45 acers more for 5 years, and orchard that grows plenty of appels we desire to plow ye 45 acers and to sow it with wheat and other grane it is a pleasant and will be a frutefull place with cultivation I need not say much of my place nor of the country by this letter for I have described it in the other letter to my master only one thing I would tell you and that is a little flye caled a misketo that is troublesome in somer time and bites like a midge but I am told by the people that came to the place 8 or 9 years since that there is becom much fewer of them it is oweing to ye want of inhabitance and cattel to eat up the gras this is the only thing I have to say against the Country and now I put you to your promis that you promisd mee saying I will surely come to you and my Dear I shall be very glad to see you fulfill your promise to mee and I will fulfill mine to you if you come I will be a kind Husband to you and will take you before aney other for I must marry for I cannot live well as I am, and as to your passage you need not bee affraide nor to let your thoughts to trouble you or to think how shall I undertake such a journey only try come and be not afraid I supose that you will have plenty from Yorkshire to accompaney you O would I wear in the place of these lines and that I might be your companion but that must not be I have great besiness to do and cattle to look after so I cannot I can only pray to our God to protect and be your soport and guide when I was at sea I was sick but 2 half days half a day ye day that we imbarked and again sometime after when the sea was very Ruff and we all had a very good passage and were very heithfull.

The peopel here are of different persusaions in religion they are mostly prisbyterians and Baptists ye church of England are fewer that either I believe that if one of our methodist preachers wear here he would be gladly received by people of all persusaions they are very strict in regard to ye Lords day and consious of family dutys but as to the mane thing in religion would it were more known among all people I trust that religeon in its purity will be preached here also people here are naturally kind one to another even the Indians when a countryman comes to their wigwams are if they have aney meat at all they give him some. Spinning wheels are very dear here for they are twenty shilings a peece English money pay for more then in England Ye Guney pays for thre and twenty and fower pence but all ye money in ye place is not English, there is dollar that is 5s the pisterence that goes for a shiling every countrys money goes if peopel know its worth, all linen cloth and woolen cloth is very dear hear but they almost all grow thir own line and dres it themselves and the French and New England peopel, the women are mostly weavers and work their own both linen and wolen if you come pray be so good as to bring about a bushel of wheat if you can of 4 different kinds for seed let yellow Kent be one and Hampshire brown another for it will be of great servis hear be carefull to keep it from salt water you may if you please lay it like a pillow in your bed or in aney place where ye salt water does not come, provide a little tea or something that is nourishing provided you should be sea sick, I should be glad to see my master Wilkison hear but altho ye coun-

trys good I would not advise him to come lest things should not do well so I might be blamed but if he should I think he might do well hear, is nothing but the misketos that is trobelsome and they are bad to that they make a smoke at ye door sometimes in the evening to keep them out of their houses they are more troubelous then you may imagin but as I said before it is for want of the Gras being mowed or eaten or burnt.

This is ye only thing that I have to say against the place all things I think will be made up when inhabitance comes and trade increases if you come be not discoriged by aney thing in ye country for it is good if you come you will sail up to Fort Cumberland and when you are there write a line or two to me and send it to me to Macean River by aney man and I will pay hin and come for you but as soon as you receive my letter let me know your mind by letter and I will be as good as my word, the passage is paid at Liverpool before you go on bord but if you should not be abel to pay make friends to some that come and I will pay write to James Shanks at Liverpool about it.

I must conclude for this time may ye Lord bles you and conduct you safe hither from

JAMES METCALF.

If you write to mee you must derect to me at Macean near Fort Cumberland to ye care of Govener Franklin at Halifax Nova Scotia.(directed to Miss)

Mrs. Ann Gill  
with Mr. Thomas Wilkinson  
Martin Lordship near Ganongwould in Yorkshire, England.

Amongst the Loyalists were three brothers by the name of Purdy. Gabriel settled at Westchester, Gilbert at Malagash and Henry at Fort Lawrence. The Late Amos Purdy, M. P. P., of Amherst descended from the first. Henry died in 1826; he also had been a member of the Assembly, Colonel of Militia and a Judge of Common Pleas.

#### ENGLISH SETTLERS IN SACKVILLE.

1758, on 12th October, a proclamation was adopted in council in Halifax offering the vacant lands to settlers, which "consist of one hundred thousand acres of intervals plough lands, cultivated for more than 100 years and never fail of crops nor need manuring—also a hundred thousand acres cleared and stocked with English grass, planted with orchards, vineyards, &c. All these are situated about the Bay of Fundy upon rivers navigable for ships of burden."

The first actual settlement in Sackville after the deportation of the French may be placed at 1761—six years after their deportation and two years after the fall of Quebec. The invita-

tions extended in the above proclamations met with a ready response and a movement took place in Rhode Island to send a contingent there.

Some twenty-five families settled there that summer and others came to seek locations and erect habitations to bring their families the next following spring. No record of their names is known to have been preserved, but in the Archives at Halifax there is a "list of subscribers for the township lying on the Tantramar river, represented by Benjamin Thurber, Cyprian Sterry and Edward Jinks from Providence in Rhodisland." It is not dated but it probably belongs to the year 1760 or 1761. The names attached are as follows:

"The list of the Subscribers for the Township lying on Tantramar River, represented by Benjamin Thurber, Cyprian Sterry and Edmund Jinks, from Providence in Rhode Island."

Jos. Olney	Thos. Field
John Jenckes	Thos. Bowen
Solo. Wheat	Jona. Jenckes
Benj'm Thurber	Step. Jenckes
Cyprian Sterry	James Olney
Edmund Jenckes	Wm. Brown
David Burr	Sam'l Lethridge
Jos. Tower	Gershom Holden
Seth Luther	Sam'l Currey
Jno. Young	John Foster
Sam Thurber	Sam'l Clark
Jacob Whitman	Nathan Case
Edmund Tripp	Eben'r Robins
David Waters	Wm. Clark
William Sheldon	Jona. Olney
Dan'l Wear	Wm. Ford
Rich'd Brown	Sam'l Wetherby
Valintine Esterbrooks	Step. Angel
Charles Olney	Peleg Williams
Jona. Allen	Noah Whitman
Peter Randal	Nath. Bucklin
John Tripp	Noah Mason
Nath. Day	Robert Sterry
John Malavery	

The above mentioned names for one share and a half.

47	
23	1-2
70	1-2
Sam'l Briggs	
James Young	
Ichabod Cumstock	
Morris Hern	
Jos. Burden	
Ezra Heyley	
Obediah Sprague	
Edward Thurber	
John Olney	
William Olney, jr	
Daniel Thurber	
Daniel Caahoon	
Chas. Symons	
Benj. Gorman	
John Howland	
Nathan Jenckes	
David Tift	
Jos. Brown	
Gideon Smith	
Jos. Hawkins	
Sarah Cottle	
Isaac Cole	
Obediah King	
Thos. Woodward	
Rob't. Foster	
Jer. Brownel	
Nath'l Finney	
John Dexter	
Steph. Carpenter	
Levi Potter	
Nedebiah Angel	
John Brown	
James Foster	
Elisha Hopkins	
Wm. Walcot	
David Alverson	
Rob't Potter	
Dan'l Wilcocks	
John Wullin	
Rob't Woodward	
Peter Bateman	
Sam'l Toogood	
Jos. Olney, jr	
Wm. Whipple	
Nathan Sterry	
Samuel Mott	
David Wilbur	
Oliver Casey	
Elisha Smith	
Nathan Case, jr	
Charles Angel	
Jos. Taylor	
Oliver Man	
Moses Man	
W. Whipple, jr	
Wm. Phillips	
Benj. Robinson	
Jona. Pike	
George Wear	
Edward Giles	
John Smith	
Gilbert Semons	
Woodbery Morris	
John Wiever	
Nehemiah Sweet	
Stephen Goodspeed	
Abraham Olney	
James Musey	
Jeremiah Dexter	
William Jenckes	
Henry Finch	
Sam'l Shearman	
Wm. Olney	
John Olney, jr	
James Olney	
Francis Swan, of Massachus's	
Coggshall Olney	
John Power	
Aaron Mason	
Nathan Jenckes	
Freelove Tucker	
Benja. Cousins	
Bowlard Sprague	
Nathan Giles	
Benja. Medberry	
Nathaniel Woodward	
Zeph'r Woodward	
James Jenckes	
William Emerson	
Chas. Spaulding	
John Downer	
Nath'l Packer	
Thos. Sterry	
Amasa Kilburn	
James Day of Massachusetts	
Asa Foster	"
John Peabody	"
Peter Parker	"
Isaac Blunt	"
Caleb Swan	"
Daniel Ingels	"
John Wilson	"
Nath'l Brown	"
Abiel Fry	"
Simon Fry	"
Bemsley Stevens	"
Robert Davis	"
Jer. Dexter (erased)	

Some of these names, as Tower, Young, Estabrooks, Jinks, Foster, Curry, Bateman, Cahoun, Brown, Smith, Cole, King, Finney, Carpenter, Briggs, Sprague, Robinson, Seaman, Power, Tucker, Parker, Emerson, Davis, etc., represent well known families in the community. Many of the others probably never came to the country at all and others not satisfied with the prospect returned again to the other colonies.

The first town meeting or meeting of the committee for Sackville township took place on 20th July, 1762. It was held at the house of Mrs. Charity Bishop, who kept an inn at Cumberland. There were present Capt. John Huston, Doctor John Jencks, Joshua Sprague, Valentine Estabrooks, William Maxwell and Joshua Winslow. Capt. Huston was made chairman and Ichabod Comstock, clerk.

The conditions and locations of the proposed new grant of Sackville were of the first interest to the newly arrived settlers and the proceedings were largely taken up with settling such matters. It was resolved that a family of six, and seven head of cattle should have one and a half shares or 750 acres.

At the next meeting held on 31st August, Mr. Elijah Ayer's name appears as a committeeman.

In 1763, Sackville's inhabitants consisted of 20 families only, and only 200 acres of upland had then been cleared. They had 12,000 acres of marsh land. At the same time Cumberland, (now the parish of Westmorland) possessed 35 families who owned 600 acres of cleared land and 18,800 acres of marsh land.

At a town meeting held on 18th April, 1770, Robert Scott was appointed moderator and Robert Foster clerk. They with John Thomas were appointed a committee to settle with the old committee for the survey of the lands.

The first actual grant at Sackville appears to have been made on 12th October, 1765. Previous to that date, settlers had no title to lands they occupied beyond orders-in-council, issued at

Halifax and which the grant confirmed. This grant was for 35,- 250 acres. The consideration was a quit rent of one shilling sterling for ten years for every fifty acres. If no rent be paid for three years and no distress be found, or if the granters sell the same within ten years the grant is void.

The township was to consist of 100,000 acres. It was divided into three sections, known as letters A B and C. Letter B division, embraced the district between Foundry St. and Morice's mill pond. "A" district was south of Foundry St.; "C" north , Morice's mill Pond. There were home lots for actual settlers who had wood lots and marsh lots bearing corresponding numbers.

The wood lots were not then nor until many years after considered of any commercial value and when their owners left the country and abandoned them or when changes of title took place and the new owners took no interest or charge of them the ownership of many became obscured. When the timber on them commenced to be valuable, there suddenly grew up a small class of land jumpers, who ran out vacant lots and exercised acts of ownership. These acts led to a great deal of litigation and, for many years the Supreme Court was kept more or less busy over "Sackville rights."

Many of the original grants of lots were voided for want of settlement and other grants issued over the same lands. The names of the original grantees and members of lots held by each is as follows:

LETTER A.

Joshua Sprague  
Nathan Mason  
Joseph Winsor  
James Olvay  
Elijah Sprague  
William Sprague  
James Sprague  
Isaac Cole

LETTER B.

Amasa Killam  
Daniel Hawkins

Wm. Jinks  
Charles Hawkins  
Josiah Hawkins  
Superam Killam  
Levis Eddy  
Deborah Eddy  
Nathal. Mason  
Nathal. Mason, jr  
Isaiah Mason  
Jno. Day  
Benj. Mason  
Natel. Lewis  
Charles Seamans

LETTER C.  
 Phinias Potter  
 Thomas Lewis  
 James Estabrooks  
 Nathel. Jacobs  
 Jacob Whitmond  
 Jno. Thomas  
 Val'tine Estabrooks  
 Josiah Tingley  
 Benj. Emerson  
 Eph'r'm Emerson  
 Isaiah Horton  
 Daniel Eddy  
 Samson Mason  
 Matthew Mason  
 Gideon Smith  
 Stephen Smith  
 Gideon Smith, jr  
 Benijah Lewis  
 Jonathan Ward.  
 Oliver Mason  
 Robert Williams  
 Asel Carpenter  
 John Eddy

Benjamin Mason  
 Michael Cushon  
 Samuel Emmerson  
 David Alvason  
 Eben'r Salisbury  
 Israel Thornton  
 Eben'r Salisbury jr  
 Jabish Salisbury  
 Richard Salisbury  
 Reuben Salisbury  
 Enemer Olvay  
 Eleazer Martin  
 Samuel Lewis  
 John Thomas, jr  
 Nicholas Thomas  
 John Manley  
 Elijah Ayer, jr  
 Henry Glin  
 Joseph Emerson  
 Seth Hervey  
 John Wood  
 Alex'r Huston  
 David Latimer  
 Thomas Hunt

Most of these are said to have represented actual settlers at the time, but when the war of Independence broke out sixteen years later, many of these settlers returned to United States. Some of them joined Col. Eddy in his attack on Fort Cumberland and fled to Machias at his defeat. For these and other reasons this grant seems to have been superseded by other and later grants over the same lands.

In 1767, Sackville had already made considerable progress. A return made by Lieut. Governor Franklin, embracing a census of the 30 townships into which the Province was then divided, shows Sackville had then a population of 349 persons, 343 of whom were Americans. It possessed also the following:—

Horses	48
Oxen	133
Cows	250
Head young cattle	347
Swine	63
Grist Mills	1
Saw Mills	1

## Produce in 1766—

Wheat, bus.—	1035
Rye, bus.	1278
Pease, bus.	53
Barley, bus.	55
Oats, bus.	34
Hemp seed	10½
Flax seed	53
Flax	9
Born during the year	26
Died	6

At this time the township of Amherst had a population of 125, and the township of Cumberland 325; Hopewell (all Albert County) 159; Monckton 60.

Another grant dated January 30th, 1773, is signed by Lord William Campbell, styled Captain General and Governor in Chief in Acadia. By this document 51 shares or rights of 500 acres each are granted. It is recited that the township consisted of 200 rights, being in all 100,000 acres. The grantees with the numbers of their lots are as follows.

## LETTER A DIVISION.

Samuel Bellew  
Joseph Brown  
Nicholas Cook  
John Jinks  
Samuel Curry  
Benjamin Harper  
Gilbert Seamans  
Joseph Owens  
John Thurber  
George Shearman  
Japhet Alverson  
Jeremiah Alverson  
William Alverson  
Charles Olney  
John Jenks  
Samuel Curry  
Benjamin Thurber  
Samuel Saunders  
John Barns  
Nicholas Cook  
Thomas Barns

## LETTER B.

Benoni Williams  
Timothy Williams  
Jesse Jenks  
Joseph Cook  
Nicholas Cook  
Jesse Cook  
Joseph Bennett  
Comer Smith  
John Hawkins  
Richard Cumberland  
Paul Ferdinand Delesdernier  
Moses John Fred Delesdernier  
Michael Joseph Delesdernier  
Samuel Hicks  
Josiah Hicks  
William Lawrence  
Nathan Seamans  
Jaremiyah Brownell  
George Sherman  
Joshua Sherman  
Benjamin Tower  
Joseph Tower

Ambrose Hicks	Robert Lattimore
Samuel Eddy	Joseph Tower
John Eddy	Benjamin Tower
Abraham Olney	Job Seamans
LETTER C.	
Nathan Seamans	Eliphalet Read
Reuben Lattimore	Jonathan Jinks
Samuel Lattimore	Samuel Hicks
	William Tower

The terms of this grant were a quit rent of one shilling for every 50 acres granted payable every Michaelmas, the grant to be void in case no payment be made for three years and no distress be found on the premises; also the grantees bound themselves to cultivate or enclose one third in a year, one in eleven years and one third in twenty one years; also each grantee is to plant annually two acres in hemp; also actual settlement shall be made before the last day of January 1775, or the grant is void.

The next grant is dated 22nd day of July, 1774, and signed by Frances Legge, Captain General, &c., and is for 24½ shares or rights, comprising 12,250 acres as follows.—

LETTER B DIVISION.	
Heirs of Thomas Barnes, Lot No. 15.	Edward Cole
Wm. Maxwell	Ambrose Cole
Cogshall Olney	Samuel Jones
Abial Peck	Joseph Roods' Heirs
Peleg Williams	Gideon Young
Joseph Owen	Simon Rood
Gideon Young No. 19	Joh Archer
	Joseph and Jonas Bennett

LETTER B DIVISION.	
Edmund Jinks	LETTER C.
Benjamin Thurber	William Brown
Lewis Eddy	Andrew Waterman
Deborah Eddy	Heirs of Benjamin Wilbur
Josiah Tingley	Samuel Rogers
Jonathan Cole	Robert Foster
William Estabrooks	John Foster

The terms are the same as in the former grant except the quit rent is made one farthing per acre and actual settlement has to be made within two years.

An assessment of the land owners in Sackville made in 1777 showed 90,000 acres owned or occupied.

The largest land owner was Samuel Rogers of Eddy war fame, who died in 1831, a very old man and a town charge. He owned 4,746 acres.

Estabrooks and Mason owned 3,346 acres; John Barnes 2,750 acres; Charles Dixon 2,510 acres; Elijah Ayer 2090 acres; Edward Barron 2,000 acres; Benjamin Emmerson 2,000; Robert Scott 2,000.

About 1786, the inhabitants of Sackville made a return of the state of the settlement to the governments to show that if a proposed escheat was made it would be attended with great confusion as but few of the grants had not been improved. The actual settlers at that date as set forth in the return appear to have been as follows:—

LETTER A.  
 Samuel Bellew  
 Joseph Brown  
 Samuel Rogers  
 Samuel Saunders  
 Valentine Estabrooks  
 Andrew Kinnear  
 James Jineks  
 Eleazer Olnay  
 Nathan Mason  
 John Peck  
 John Barns  
 Ebenezer Burnham  
 Simon Baisley  
 Wm. Carnforth  
 Abial Peck  
 Nathaniel Shelding  
 Job Archernard  
 Jonathan Burnham

LETTER B.  
 Charles Dixon  
 John Richardson  
 John Fawcett  
 George Bulmer  
 Thomas Bowser  
 Gilbert Seaman  
 Joseph Read  
 Wm. Carnforth  
 John Wry  
 Moses Delesdernier  
 Joseph Delesdernier  
 Michael Burk  
 Samuel Seamans  
 Joseph Tower

Joseph Thompson  
 Mark Patton  
 Nehemiah Ayer  
 James Cole  
 Hezekiah King  
 Daniel Tingley  
 Wm. Lawrence  
 Ben Tower  
 Elijah Ayer  
 John Thompson  
 Eliphalet Read  
 Josiah Tingley  
 Jonathan Cole  
 Valentine Estabrooks

LETTER C.  
 Wm. Estabrooks  
 Daniel Stone  
 Nehemiah Ward  
 Pickering Snowdon  
 Nehemiah Ward  
 John Fillmore  
 John Grace  
 Angus McPhee  
 Wm. Fawcett  
 Jonathan Eddy  
 Gideon Smith  
 Patton Estabrooks  
 Thomas Potter  
 John Weldon  
 Jos. C. Lamb  
 Josiah Hicks  
 Joseph Sears  
 Benjamin Emmerson  
 Titus Thornton

It was not until 1767 that Sackville secured the right to a member, a petition having been sent to the government in 1765 representing that there were then 80 families in this place.

Mr. A. Foster was the first member. His name occurs for the first time in 1774, in the proceedings of the House. In 1775, Samuel Rogers succeeded Mr. Foster.

REPRESENTATIVES OF WESTMORLAND COUNTY, 1786 to 1845.

1786.	1846.	
Amos Botsford.	Daniel Hanington.	
Charles Dixon.	William Wilson.	
Samuel Gay.	W. Hazen Botsford.	
Andrew Kinnear.	Amand Landry.	
1793.		
Amos Botsford.	1802.	
Thomas Chandler.	Amos Botsford.	
William Black.	Benjamin Wilson.	
Thomas Dickson.	Hugh McMonagle.	
1795.		
Amos Botsford.	James Estabrooks.	
Samuel Gay.	1803.	
Ralph Siddall.	Titus Knapp vice McMonagle, deceased.	
Thomas Dickson.	1810.	
Amos Botsford.	William Botsford.	
Titus Knapp.	James Estabrooks.	
James Estabrooks.	John Chapman.	
John Chapman.	Rufus Smith.	
1813.		
Wm. Botsford (Vice Amos. Botsford, deceased).	1827.	
William Botsford.	Edward B. Chandler.	
James Estabrooks.	Philip Palmer.	
Joseph Crandell.	William Crane.	
Rufus Smith.	Robert Scott.	
1819.		
Edward B. Chandler.	Philip Palmer.	
William Crane.	William Crane.	
Rufus Smith.	Edward B. Chandler.	
Robert Scott.	Daniel Hanington.	
1831.		
William Wilson.	1836.	
William Crane.	Wm. Wilson V. Chandler, resigned	
Daniel Hanington.	1837.	
Philip Palmer.	Philip Palmer.	
William Wilson.	John Smith.	
William Crane.	Wm. Hazen Botsford.	
Daniel Hanington.	Daniel Hanington.	

Joseph Crandall, a pioneer Baptist Minister was compelled by the Legislature to elect between the church and politics. He decided for the former and resigned his seat.

Mr. MacMonagle was a resident of Mount Whatley and was drowned in crossing a branch of the St. John, on his way to Fredericton.

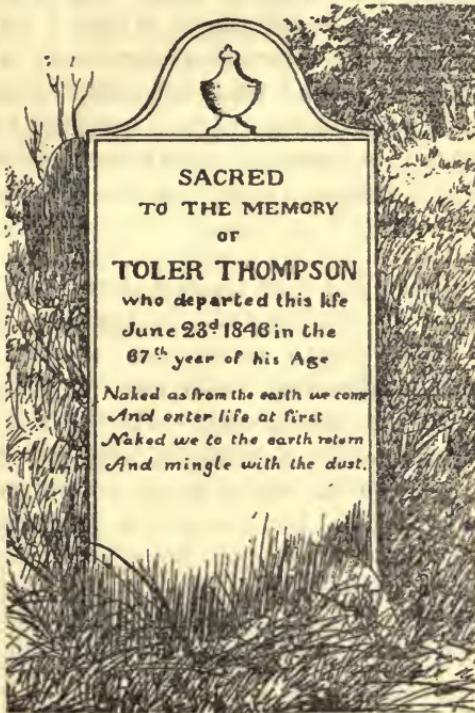
During the first part of the 19th century, Westmorland produced two men whose works were effective in making permanent changes in the face of the country. The first one was Tolar Thompson of Tantramar. He was the first English Marsh (dyke) builder. Whatever methods La Valliere in 1675 and La Loutre in 1750 pursued, had passed into forgetfulness in the turmoil and confusion of war. The first English settlers had the benefit of the dykes, aboideaux and sluice boxes constructed and left by the Acadians, but it appears they did little or nothing in the way of excavating channels for tidal deposits, tho' the fertility and value of these lands had been recognized by even the first pioneers and recorded in various official reports.

As soon as there was any safety for life and property in the Isthmus, the government was alive to the fact that the marshes must have some sort of administration. Accordingly in 1764, Sewer Boards were appointed—the Sackville Board consisted of Daniel Hawkins, Ebenezer Sallisbury, Robert Foster and Jonathan Cole. The Amherst Sewers were Josiah Throop, James Fulton and Elisha Freeman.

Very little progress seems to have been made in marsh building for at least a generation thereafter. Marsden, the Methodist circuit rider mentions in his notes the dangers of travelling across the Tantramar marshes between Point de Bute and Tantramar. He required a guide armed with a pole to go ahead and find safe footing amidst the bogs, pools and streams.

Mr. Thompson day after day and season after season made his home amongst the lakes and streams of this vast expanse of waste land, the screaming water fowl his only companions.

The apparently simple but really complicated problems of tidal flow in creating new drainage channels and securing deposits of mud were thought out by him and put into successful practice. The Tolar and the Goose Lake Canals by which many hundreds of acres of marsh were reclaimed are enduring monuments of his skill. He left a great estate in the perpetuation of a name devoted to the public service. Mr. Thompson was the grandson of Vis-



count Glandine and Earl of Norbury, Chief Justice of the Court of Common Pleas, Ireland—a man distinguished for his learning and wit. Tolar Thompson's father was his coachman. Herein appeared a spice of romance. A daughter of the Earl fell in love with the handsome coachman. They eloped, were married, emigrated and settled in Sackville. Their son Mr. Thompson was a large and commanding man, possessing a dignified presence and was held in great respect in the community where he lived and died.

The other notable was Charles F. Allison, the founder of Mount Allison Educational Institutions. Mr. Allison was a man of deep piety and intense earnestness.

The lack of secondary schools where the youth of both sexes could obtain an advanced education on Christian lines to enable them to command the employment being offered in our growing communities was a problem of great magnitude, with which he was not afraid to grapple single handed. Pictou Academy, while ranking high as an educational institution, was only a local school. Kings, at Windsor, while originally endowed by public funds as a national institution had been seized by a clerical faction and converted into a sectarian school, feeble as it was narrow, and gaining the confidence of only a section of its own denomination.

Possessing broad and high minded views, Mr. Allison gave a large portion of his own fortune in founding two seminaries of learning. Their growth and success testified by the hundreds of students attending them, are perpetual monuments of his patriotism and philanthropy. He was a partner of Hon. Wm. Crane, a son of Col. Jonathan Crane, who for thirty-four years held a place in the Nova Scotia Assembly as one of its most brilliant speakers. Mr. Crane as a youth emigrated from Kings County, N. S. to Sackville—his fortune tied up in a pocket handkerchief. He died at Fredericton in 1853, speaker of the New Brunswick Assembly and one of the wealthiest men in Eastern Canada. In 1838, when crossing the Atlantic in a delegation from the New Brunswick government, his vessel passed the "Serius", the first transatlantic steamer. In the Cunard memoirs published in the London Times, he is given the credit being the first to urge upon the Colonial Minister, Lord Glenelg, the importance of subsidizing a line of steamers to Halifax, which led to the Cunard Contract.

Amos Botsford, a lawyer of New Haven, was appointed by Lord Dorchester an agent for settling the Loyalists in Nova Scotia in 1782 and arrived in Annapolis that year. He afterwards re-

moved to Westmorland and was elected to the first Assembly in 1786, of which he became Speaker, a position which he held till his death in 1812. His son William succeeded him as representative and speaker in 1812; which he held until 1823, when he was made a judge of the Supreme Court. Three of his sons, Hazen, Bliss and Chipman were also at various periods elected members of the Assembly; Bliss became Speaker and died County Court Judge. A fourth son, Amos, became a Senator of Canada, of which he was at one time speaker.

Col. Joshua Chandler, a wealthy lawyer of New Haven, and a member of the Legislature, sided with the Loyalists at the Revolution and was forced to abandon his home precipitately on the 5th of July, 1779, when the town was evacuated by Gen. Tyron. He sailed with his family for Annapolis, N. S. intending to settle there. In March, 1787, he crossed the Bay of Fundy from Annapolis to St. John, in his schooner. The rest of the story is told on a monument in the rural cemetery at St. John:—

“Here lyeth the Bodies of Col. Joshua Chandler, aged 61 years and William Chandler His Son aged 29 years who were shipwrecked on their passage from Digby to St. John on the Night of the 9th of January March, 1787 and perished in the woods on the 11th of said Month.

Here lyeth the Bodies of Mrs. Sarah Grant, aged 38 years. Widow of the late Major Alex'r Grant; and Miss Elizabeth Chandler aged 27 years who were ship wrecked on their passage from Digby to St. John on the 9th day of March, 1787, and Perished in the Woods on the 11th of said Month.”

His son Charles H. Chandler was sheriff of Cumberland for 38 years and was succeeded in turn by his son Joshua who held it for 28 years. Another son, Edward B., represented Westmoreland in the Assembly of New Brunswick, became leader of the Conservative party of the Province, and died in 1880, in his 80th year, while occupying the position of Lieut. Governor.

Any historical sketch of [the Isthmus would be incomplete that did not refer to the marvellous advances made by the Acadians in trade, industry, education, social position and political influence, in all of which, they have within half a century secured at least an equality with their Anglo-Saxon neighbors. These splendid results are largely the work of two men—Father La France and Father Le Febvre, who inspired by a noble ambition to uplift their people, spent their lives in their service. Father La France was the pioneer in education and he was succeeded by Father Lefebvre. The fine educational establishments at St. Joseph's, Memramcook, have been most potent in moulding and developing the later generations of Acadians.

Charles Dixon, the ancestor of the Dixon family of Sackville, was born at Yarm, Yorkshire in 1720. He was a paper maker by trade. In 1761, he married Susannah Coates. In 1772, he was induced by Governor Franklin's proposals to come to Nova Scotia and embarked in the Duke of York with 62 other settlers. After a six weeks passage they arrived at Halifax and on 21st May at Fort Cumberland, where his family was housed in the barracks. He records that his first impressions were gloomy as everybody owning land wanted to sell and leave the country, but on examination of the Isthmus he became pleased with its prospects and purchased a farm (Dixon's Island) Sackville from Daniel Hawkins for £260, Hawkins returning to the United States. Mr. Dixon became a prominent man, being a Justice of the Peace, Collector of Customs, Member of the Assembly and Judge of the Inferior Court.

Commodore Ayer—son of Elijah Ayer one of the original settlers ran a schooner between Westcock and Eastport. He lived at Westcock, but removed to Eastport and did some privateering from there during the war of 1812. On one occasion he appeared in the Tantramar river in an armed schooner and sacked the Dixon homestead. This was supposed to wipe off an old feud that survived the Eddy war, when it was alleged that a party of loyalists fired the Eddy house at Middle Sackville

1  
78



CHARLES F. ALLISON.



when Mrs. Eddy and her children were alone in it. Capt. Eddy owned practically all Middle Sackville, which was confiscated.

#### FIRST CANADIAN HOME FOR METHODISTS AND BAPTISTS.

Amongst the Immigrants in 1763 to Sackville were Nathan Mason and wife, Thomas Lewis and wife, Experience Baker, all of the Second Baptist church of Swansea, Benjamin Mason and wife, Charles Seamans and wife and Gilbert Seamans and wife from other churches, immigrated to Sackville, N. B., and on 21st April that year. These 13 persons organized the First Baptist Church in Canada, with Nathan Mason as pastor; afterwards Job Seamans became their pastor.

Rev. Job Seamans' father Charles, immigrated from Reaboth Mass., with his family to Sackville, N. B., in 1761, where he commenced farming. Five years later the Newlight movement spread to Sackville. Job, then eighteen years of age, attended the meetings, became interested and was finally converted and determined to devote his life to the work of the ministry. In 1773, he was ordained at North Attleboro, Mass. He ministered to the Church there for fourteen years and was a moving spirit in two revivals in which more than 100 persons were baptized. In 1788, he was called to New London, N. H., where he died in 1830.

The writer has a letter from him, dated 1st October, 1796, addressed to James Estabrooks of Sackville, N. B., and another one dated 20 years later. Their phraseology is quaint, but they breathe earnest prayers for the spiritual welfare of the recipient and his family.

The names Nathan Mason, Thomas Lewis, Gilbert Seaman, Benjamin Mason occur in a document in the Archives at Halifax seven years later (1770) reciting the names of the residents here. The others are said to have returned to Massachusetts in 1771.



REV. THOMAS WOOD,  
the oldest and most successful missionary of the Anglican Church in Acadia in the 18th Century.

But the Isthmus is not alone the birth place of the Baptist denomination in Canada, but of the Methodist also. Many of the Yorkshire immigrants were born in the home of Wesleyanism and brought with them the spiritual fire lighted at the flame that that immortal teacher kindled. In 1779, meetings were held at Point du Bute, and at a quarterly meeting held at Wm. Trueman's in 1780, Wm. Black, of Amherst, afterwards known as Bishop Black, received spiritual blessings. From that time until 1786, when the first conference took place, the Cumberland district was under the direction of Mr. Black. Two years later (1788) the first Methodist Church was built at Point du Bute, and two years later one was erected at Sackville. These were the first Methodist Churches built in Canada. The Presbyterians were organized and had a church building in Amherst in 1788.

#### PETITCODIAC SETTLERS.

The first European settlers along the Petitcodiac river after the deportation were Germans. A contingent of nine families left the

Rhine in 1749, landed at Philadelphia and settled in the Schuylkill 12 miles above that city. After living there 14 years, they chartered a vessel and came to Westmorland, landing at Halls' Creek, Monckton. The Creek is named after the Master of their vessel. They were induced to come by the prospect of large grants of free lands. The names of the immigrants were Steeves, Lutz, Smith, Ritchie, Summers, Trites, Johns—now Jones, Wortman and Copple. The later name became extinct. The other families settled and have become very numerous. The original Mr. Steeves had seven sons. His descendants today do not number less than 2,500 people. The German strain proves today a very important element amongst the most prosperous and influential of our people.

In 1788, by a return made by Stephen Milledge, Crown Land surveyor, there were 12 families living in what is now the parish of Moncton. They had amongst them 224 acres of upland cleared, 582 acres of dyked Marsh, 19 horses, 84 cows, 56 oxen, 104 young cattle and 200 sheep. Heinrich Steeves and his seven sons had settled at Hillsboro where they ultimately obtained grants of land to the extent of three square miles. The names of the families were:—Jacob Trites, Sr., Jacob Trites, Jr., Christian Trites, Andrew Summers, Christopher Horsman, Michael Lutz, John and Henry Jones, Frederick and Christian Steeves, William Wilson, Jacob Martin and John Wortman.

Col. DesBarres purchased from one Joseph Gingham a grant he had obtained from the Nova Scotia Government of 20,000 acres of land between the Petitcodiac and Memramcook rivers. His agent—a woman named Polly Cannon, granted long leases to the French Acadians. When Col. DesBarres died in 1824, his son Augustus, who was his heir, commenced to look after his rights. In 1840, he instituted some 50 or 60 actions. A test case was tried before Chief Justice, Sir James Carter, at Dorchester in 1841. The final result was that the French succeeded as respects the lands they occupied, but not as respects the forest lands. These they afterwards purchased.

Messrs, Hope and Cummins of Philadelphia obtained large grants of land in on the Albert side of the Petitcodiac river, and Messrs. Peter and John Hughes, William Grant and Clarkson and Co. of the same city of land in the Westmorland side, on condition of settling the same. They appear to have made some agreement with the settlers before mentioned. The agreement between them seemed never to have been fulfilled and the settlers obtained judgments against the grantees, sold the lands at Sheriffs sale, purchased them and became permanent settlers.

A brief reference may here be made to the early settlements at Shepody. After the deportation of the French large grants had been made to Generals Haldimand and Bouquet, on condition of actual settlement. They expended considerable sums of money in making efforts to introduce settlers, but they met with very slender success, and before 1773 the properties reverted to the Crown.

Mr. Thomas Calhoun was agent for General Haldimand up to 1770. He and his brother William and two other men were (1771) floating stone on rafts from Grindstone Island to load in a vessel at Shepody river, when through some mishap, they were all drowned.

#### MOSES DELESDERNIER SETTLED IN SHEPODY.

In 1775, in partnership with Mr. DeWitt, he established a truck business at Hopewell Hill. The next year the Eddy contingent sacked his place and he and his family had to seek shelter at Fort Cumberland. Delesdernier died in 1811, at the venerable age of 95 years.

At the close of the Revolutionary War, five large grants of land were made about Shepody Bay. These were partly made over previous grants to General Haldimand and others. They were as follows;—

Dickson grant, north of Cape Demoiselle to Hillsoboro.

Daniel's grant to Cape Demoiselle 4 miles.

Prince grant to Hopewell Hill.

Peck Grant to Crooked Creek.

Calboun grant to Germantown Lake.

## SETTLEMENT OF SHEDIAC.

The first English settler in Shediac was William Hanington. His father was a member of the Fishmonger's Guild, London. He landed in Halifax, in 1783—the year after peace was proclaimed between Britain and her revolted colonies. He had purchased for two shillings an acre a tract of 5,000 acres abutting on Shediac harbor that had been granted in 1768 to Joseph Williams and others. After a tramp through the unbroken forests he arrived at his future home in March, 1784.

For a London man, the prospect must have seemed hopeless but Mr. Hanington's vigor and self-reliance were equal to the emergencies. He was the first English settler in the Gulf Shore between Pictou and Miramichi. When he arrived he found neighbors in two French settlers at Shediac and two more on the shore had made clearings and put up log cabins. It was then twenty years since the expulsion and twenty since the ordinance against them had been repealed. These settlers belonged to the Gaudet and Gallant families. The next English settlers were Samuel Cornwall, John Atkinson and Bowen Smith—all early in the 19th century.

John Welling, a Loyalist, not satisfied with his situation at St. John, found his way to P. E. Island, settling in 1798 on what is since known as Welling's Point, near Summerside.

His wife was Elizabeth Darby. Mr. Hanington married her sister Mary. Tradition makes the affair rather a romantic one. He was driving along the road with his ox cart, and he espied in the barnyard of a nearby homestead, a young woman feeding chickens. It was a case of love at first sight. The exigencies of pioneer life did not permit any prolonged dallying. He was a man of action. He proposed and was accepted on the spot. He claimed her at once and succeeded in overcoming her reluctance and objections. She mounted the cart with him, wended their way to a justice of the peace, parsons being scarce, where the ceremony was performed. His son Hon. Daniel, represented

Westmorland many years in the Assembly and was Speaker. His grandson Hon. Daniel L. was at one time leader of the government and died in 1909, a Judge of the Supreme Court.

The Irishtown Road settlement was first made by John and William Wood and Walter Crowley.

Other immigrants followed. The Wards, Crawleys, Fitz-Simmons, Lurings, Dunphys, Kennedys and others came from Ireland and settled at Irishtown near Moncton between 1812 and 1818.

In 1835—6, the Immigrant Road between Gaspereaux and Cape Tormentine was settled by the Carrolls, Mahoneys, Sweeneys, Murphys, Barrys and others from Ireland, whose descendants have built up a very prosperous community.

¶ In 1800, John Rayworth, a tanner and currier of London, England, emigrated to P.E. Island. He left there and landed at Rayworth's brook, Little Cape. The country was then a wilderness. He walked in winter to Fredericton to obtain a grant, and secured one of 1200 acres in one block, where he made a home for himself and brought up a family. He is the progenitor of the numerous and influential family by that name.

The toils of these early immigrants, their privations and dangers, their achievements and exploits in subduing nature and making permanent homes, if recorded, would form some of the most interesting literature the country could afford.

In 1787, Mr. Powell, a loyalist settled at Richibucto. At this time, the inhabitants there, besides the Indians, were four families of Acadians, and in the whole stretch of country from Bay Verte to the Miramichi there were only eight families of settlers. Mr. Powell was the ancestor of Hon. H. A. Powell, K.C.

## FREE REPRESENTATIVE INSTITUTIONS.

The loyalists were not the pioneers of Acadia. When they arrived they found settlements already in existence. A representative government had been established for a quarter of a century based on principles recognized at the time as most liberal. Courts of law had been established and the same security to life and property was afforded as in any of the older communities of the Empire. This had been accomplished by the efforts of the first immigrants from New England, who had remained steadfast in their loyalty. When the province of New Brunswick was created in 1784, the founders there had little to do but duplicate the governmental institutions long in successful operation.

Nothing occurred after the declaration of peace 1782 to check the growth and prosperity of Chignecto; in all material aspects it has been one of progressive advancement. The war of 1812 in no way hindered the ordinary pursuits of the people, though the feuds engendered during the Eddy conflict produced an aftermath in 1812. The settlements along the Bay of Fundy were kept in constant alarm, by armed schooners and whale boats, which carrying letters of marque, scoured our shores. In some cases, they were piloted by former inhabitants of the country, who fled when the Eddy incursion collapsed. They made some captures of vessels and looted homesteads but did no permanent damage.

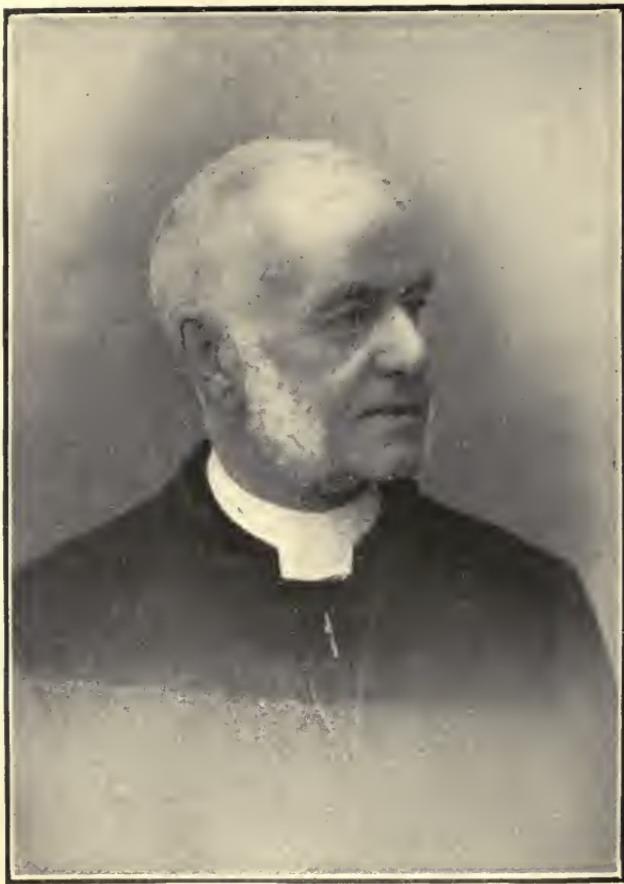
The development of our country has proceeded by well defined stages. At first the fur pelt and fishing business attracted a roving population. This was followed by the mast and square timber trade, which, requiring but an axe in the way of machinery proved profitable. And then followed in due course the construction of vessels for coastwise trade, the first square rigged vessel launched in Acadia was built by a Mr. McNab at Wallace, N. S. The utilization of water mills for sawing lumber opened up an immense business with England. In 1786, the Government paid a bounty of £20 each for the construction of 22 saw mills, one being to Mr. Charles Taylor, Dorchester, and another to Mr. Pettis of Parrsboro. The clearing of land led to the raising of

potatoes and grain and the keeping of live stock. The next, and final stage, was the creation of manufacturing industries under the stimulus of the national policy, by which the labor-employing industries of the country were immensely diversified. These, to some extent, replaced the wooden ship building industry, which the making of iron ships rendered unprofitable. The domestic growth of wheat, which could not compete with Western grain after the opening of the North West, was largely abandoned and farm properties fell in value.

During this period Cumberland produced two men of commanding ability; the first one was Simon Newcombe, Rear Admiral of the United States Navy, who is accorded front rank as a scientist; the second was Charles Tupper, whose achievements in the great work of creating and building a Canadian nationality in the widely separated British communities of North America, placed him amongst the first of Imperial statesmen.

Chignecto being the fighting ground of the contending powers for the possession of Acadia, a vast amount of material is available bearing on the movements in that locality, but owing to the limited space necessarily given this paper, many interesting occurrences and striking incidents are either ignored or only touched on, while personal details and family history of many who bore a worthy part in the conflicts and struggles about Chignecto are omitted. The maps of Chignecto are photographs of the originals found in the British Museum. The writer begs to acknowledge his obligations to Prof. W. G. Ganong, of Smith College, Northampton, Mass., and to the N. E. H. and G. Society, Boston, for valuable aid given him.





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## NOMENCLATURE OF THE STREETS OF HALIFAX.

BY

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"Halifax, the metropolis of Nova Scotia and the chief city of the Acadian or Lower Provinces, was founded in the year 1749, at the expense of Government, under the direction of the Lords of Trade and plantations, and was so named in compliment to George Montagu, Earl of Halifax, then at the head of the Board under whose auspices the settlement was undertaken."

On 21st June, 1749, the Sphinx arrived in the harbor, then called Chebucto, having on board the Hon. Edward Cornwallis, who had been appointed by the British Government to carry out the design of forming a permanent settlement in Nova Scotia.

Early in the month of July a spot for the intended town was selected near "Point Pleasant," and the settlers were employed in cutting down the trees; but the want of sufficient depth of water in the front, and other inconveniences being discovered it was abandoned for a more eligible situation to the Northward (the present site) commanding a prospect of the whole harbor, and on an easy ascent, with a plentiful supply of fresh water; here Mr. Bruce, the engineer, and Mr. Morris, the surveyor, were ordered to lay out the town; this was done and the plan completed by 14th September. The town was laid out in squares or blocks of 320 by 120 feet, the streets being 60 feet wide; each block contained 16 town lots, forty feet front and sixty feet deep, the whole divided into five divisions or wards, Callendar's, Galland's, Collier's, Ewer's and Forman's divisions.

It was probably intended at first to execute the design on a much larger scale, as we may judge from a statement made,

in the "Gentleman's Magazine" for Sept. 1749, to the following effect:—"According to the plan laid out for the town of Halifax, "the capital of Nova Scotia, that city is at first to consist of "2000 houses, disposed into fifty streets of different magnitudes. "In the middle of the town is to be a spacious square, with an "equestrian statue of His Majesty."

Whatever may have been the design as thus expressed, it was not executed, the limits were circumscribed and, no doubt, for wise reasons, one of which—perhaps the chief—was the greater ability to protect from the attacks of the Indians a comparatively small place. Hence we find that a matured plan was sent to England—which was published in the Gentleman's Magazine in the month of October, 1749.

From this map the boundaries of the town were as follows: On the east, the harbor: on the south a stock palisade beginning at the water edge, at the foot of the present Salter street, and running westward, not in a perfectly straight line, but so diverging as to form salient angles here and there. In the neighborhood of what is known as the old Mason's Hall was a fort; thence the palisade ran slightly to the south for a short distance and then formed an oblique angle turning to the northwest until it reached the site of the Royal Artillery Park, where was erected another post; thence in the same northwesterly direction until it reached the neighborhood of the spot on which His Royal Highness the Duke of Kent placed, fifty years afterward, the Town clock; thence northerly until the site of the North Barracks was reached, at the head of Buckingham street, where was another post; thence in an easterly direction until it reached the neighborhood of what was long known as "Grenadier Fort," the spot on which Trinity Church at present stands where was another fort; thence to low water mark at the foot of Buckingham street.

Thus, Buckingham street was the north and Salter street the south limit, while the whole was surrounded by a strong palisade of pickets with block houses or log forts at convenient distances.

The north and south suburbs were surveyed about the same time, but the German lots in the north were not laid off until the year following.

Having described the limits of the town as first planned out, I propose to discover, if possible, the origin of the names by which they were designated, and afterward to do the same as regards the streets outside the original boundaries, even to the most modern. The task is more difficult than one would suppose until it is fairly entered upon, inasmuch as the sources of information are very limited. I can find no record of the time in which the streets were named, as they have been known from time immemorial, nor of the reason why such names were given. At the same time there are reasons for thinking (if not data for proving) that the titles or names given to the main streets, between the water mark on the east, Salter street on the south, the Citadel on the west, and Jacob street on the north were given in honor of certain distinguished statesmen of England, who either formed the Cabinet Ministry of the day, or had been members thereof, or were interested in some way in the formation of the new colony. It is certain, at least, that the names of the majority of the streets were those of prominent public men of the epoch. History shows us who were the official and well known statesmen of the time; they are comprised in the list which follows, and were called the "Broad, &c."

BROAD BOTTOM ADMINISTRATION—This ministry was so-called because it comprised nine dukes and a grand coalition of all parties. Formed Nov. 1744; dissolved by the death of Mr. Pelham, March 6th, 1754.

Rt. Hon. Henry Pelham, first Lord of the Treasury and Chancellor of the Exchequer.

Duke of Dorset, President of the Council—(Sackville family name.)

Earl Gower, Lord Privy Seal.

Duke of Newcastle and the Earl of Harrington, Secretaries of state.

Duke of Montagu, Master General of the Ordinance.

Duke of Bedford, first Lord of the Admiralty.

Duke of Grafton, Lord Chamberlain.

Duke of Richmond, Master of the Horse.

Duke of Argyll, Keeper of the Great Seal of Scotland.

Marquess of Tweedale, Secretary of State for Scotland.

Lord Harwicke, Lord Chancellor.

All of the Cabinet.

The Duke of Devonshire and Duke of Bolton were not of the Cabinet.

Observe then, five streets have the same names as five Dukes in the existing administration:

1. Sackville—Duke of Dorset.
2. Hollis—Duke of Newcastle.
3. Bedford—Duke of Bedford.
4. Grafton—Duke of Grafton.
5. Argyll—Duke of Argyll.

Earl Gower's family name was Granville.

The most eastern street of the town, for the most obvious reason called

#### WATER STREET

was simply the vacant space between high water mark and Bedford Row, and known to the early settlers as "the beach," as is testified to by numerous advertisements in the first newspapers concerning transactions of business which took place there.

## BEDFORD ROW

was no doubt so called because the Duke of Bedford was at the time of the founding of Halifax the first lord of the Admiralty in the Cabinet.

The next street in order—parallel to Bedford Row—which we call

## HOLLIS STREET,

is doubtless a misprint for Holles, inasmuch as Lord Holles, Duke of Newcastle, was then prime minister of England. The dukedom soon after became extinct, but was revived in the course of time in the family of Pelham Clinton, Earl of Clinton, who are the present holders of the dukedom. In London there is a street named Holles, as also one in Boston, Massachusetts.

## GRANVILLE STREET

was called after the Right Honorable George Granville, who was also a Cabinet minister of that day, and appears in the list of the Cabinet as Earl Gower, Lord Privy Seal.

## BARRINGTON STREET

may have been called after the second Viscount Barrington, son of John Shute Barrington, who was raised in 1720 to the Irish Peerage as Viscount Barrington of Ardglass. His son, William Wildman, succeeded to the title in 1734, and though I cannot find his name as holding an office of state in 1749, he doubtless held some important under secretaryship at the time, for we find him six years afterwards Secretary of War, then Chancellor of the Exchequer, then Treasurer of the Navy, and finally from 1765 to 1788 Secretary of War again. I am inclined, however, to think that Barrington is a misprint for "Harrington," the Earl of Harrington being one of the Secretaries of State at the time, as may be seen in the above list of the Ministry of the time.

**ARGYLE STREET,**

more properly spelt with two l's and omitting the vowel e at the end, after John C., the great Duke of Argyll and Greenock, who was at this period perhaps the most prominent man in public estimation—Keeper of the Great Seal of Scotland.

**GRAFTON STREET,**

after the Duke of Grafton, who was Lord Chamberlain at this period.

**ALBEMARLE STREET,**

after Keppel, the Earle of Albemarle, then a prominent statesman.

We now turn to the streets running East and West.

The first street on the plan sent from England,

**SACKVILLE STREET,**

is named after Sackville, Duke of Dorset, who was President of the Council.

**PRINCE STREET,**

no doubt was so named in honor of the Royal family; but I am puzzled to know which of them, as the next street in order is

**GEORGE STREET,**

Now in 1749 the Prince of Wales, whose name was Frederick Louis, was still living. Had the honor been intended for His Royal Highness, the street would have been called Frederick or Frederick Louis. This prince died in 1751, and his son George became heir apparent to the throne. It is possible that Governor Cornwallis did not name the streets at all until after this event, and then called the two streets Prince and George in honor of the late Prince's son, the future King of England. On the other hand, the one street may have been called after the Prince of Wales and George street after the King himself.

The next two streets are called successively Duke and Buckingham, which seems to suggest the idea of their being called after a very prominent man—the Duke of Buckingham. But the famous dukedom of Buckingham was at this time extinct, and had been so for a number of years, nor was it revived again until George IV's time, when it was so in the family of the Grenvilles. I have no doubt that Governor Cornwallis had a reason for so styling these streets, and some one may be more fortunate than myself in discovering it. The name "Duke" may have no reference whatever to the name of the next street in succession, but probably was given because there were 9 dukes in the cabinet, was in fact a "Duke Cabinet." As to the name "Buckingham," I can offer no well-grounded suggestion.

But there are two other streets which formed part of the primitive town, one to the north of Buckingham, inclosing Foreman's new division—this was

JACOB STREET,

so called after Richard Jacobs, a German baker, who owned a large property on the north side of it—i. e., outside the original palisade.

On the extreme south, i. e., south of Sackville street, was laid out another street, which was called

SALTER STREET,

after Maladi Salter, a gentleman who appears among the principal inhabitants in 1750, who was then extensively engaged in the fishery, but who visited Chebucto harbor in 1744, five years before the settlement. It was he who built and owned the old house at the corner of Salter and Hollis streets,—for so many years occupied by the family of Lawsons.

It will be observed that neither of these streets are in the map—all these streets drawn in the map are called by the names of men who were public officers or were prominent men; these

two streets which flanked the town proper were alone called by the names of settlers—and that for palpable reasons—both being large owners of property in the vicinity.

Upon the arrival of the emigrants from Germany, some in September of the year 1750, about 300 in number—some in the Spring of 1751, 958 in number, and about 1000 more in the following year, 1752 great difficulty was experienced in providing a suitable location for them. It was finally resolved to remove them from the suburbs of Halifax to a part of the Province in which agriculture could be successfully prosecuted. Therefore in June 1752, about 1500 of these German settlers embarked for Merliguish Harbor in Mahone Bay, where they built a town which naturally enough they called in honor of Fatherland—Lunenburg. Those of their countrymen who did not accompany them had been placed in the north suburbs, which came to be popularly known as Dutch Town.

In the year 1764, the people of the north suburbs applied to the Governor and Council to call their settlement Gottingen. The name was given, but soon, as a general title fell into disuse, the main street obtained the name of

BRUNSWICK,

the rear or more western street only retaining that of

GOTTINGEN,

both names recalling the home of their fathers. Of late years, as is well known, the name Brunswick street has been given to that street of which Brunswick street is really a continuation—formerly known as Barrack street, because at either extremity of it, according to the original plan, were the south and north Barrack streets, as they were familiarly called. There was early in the history of Halifax another street in the north suburbs, retaining to-day its original title,

## LOCHMAN STREET,

spelt with the letter h, and not k, as we have in those modern days, and so called from Mr. Lochman, a German settler of repute, whose mural tablet, of wood, is still to be seen in the old Dutch Church on Brunswick street.

I now pass on to the streets of more modern date, and begin with

## PLEASANT STREET,

which derived its name from Pleasant Point, as originally styled, or as we call it, Point Pleasant. This street begins at the Point and ends at the top or western extremity of Salter street; from that boundary or point, though a continuation in a straight line, it is, as we have seen, called Barrington street, until it reaches Jacob street. A few years ago it was continued through certain properties, until it reached Lockman street—thus making a continuous street from Point Pleasant to Richmond Station—i. e., one long street of 3 or 4 miles, with three different names—Pleasant street, Barrington street, Lockman street: just as we often find elsewhere as, for example, in London—Oxford street, Holborn, High Holborn streets.

Having dealt with the main streets in the old town and its northern suburbs, we may turn our attention to those which, as time advanced, were added for the convenience of the increasing population.

The street south of and next parallel to Salter street, is a short one running from Lower Water street to Pleasant street, called

## WALLACE STREET,

and in all probability so called from the Hon. Michael Wallace, a leading man in old times, a member of the old Council, and once or twice administrator of the Government during the temporary absence of the Governor of the Province. This gentle-

man owned or lived in the house at the corner of Hollis and Wallace streets, opposite the eastern gate leading to the proper front of the present handsome and spacious Government House.

#### MORRIS STREET

is the next running from the harbour in a perfectly straight line until it reaches a point about half way between the harbor and the North West Arm, or Waygalteech, as the Indians called that most charming sheet of water, a word meaning "salt water all the way up," or as in later days, "Sandwich River" or "Hawks River." Now, at the eastern end of this street, that is, at the N. E. corner of Hollis and Morris, resided the gentleman to whom reference has been already made as the surveyor of the town of Halifax, who was the ancestor of that talented family who have been so well known for a long series of years in this community—Mr. Charles Morris. Even in my youth the old family mansion was occupied by some of his descendants. What more natural than that this street should be called after him?

#### SOUTH STREET

comes next in order, and, of course, derived its name from its being the most southern part of what might then be termed the town—the suburbs beyond being for the most part cultivated fields as far as the old "Fresh Water Bridge," a great proportion of it being owned by the Messrs. Tobin and Smith, familialy called "Tobin's fields," and "Smith's fields." This street has one characteristic which belongs to none other in the city, which now comprises the whole peninsula. It is the only street which runs in a perfectly straight line from the harbour to the North West Arm—from water to water.

#### TOBIN STREET

follows, and so named because it runs through a portion of the field owned by the gentleman of that name, one of whose descendants lives still in the immediate neighborhood, in fact, on part of the original property.

## KENT STREET,

in all probability, was so called in honor of the Duke of Kent who was commander-in-chief of His Majesty's forces in this country for several years in the closing part of the last century, or it may have been named after some individual of that name, as in the continuation of it, Artz street, so named from the family who were related to the Messrs. Smith—the original owners of the property.

## GREEN STREET

was not named, as has been supposed, after the old family of that name, but simply because, it lay untouched for some time and the grass flourished upon it.

## INGLIS STREET

only received its name in these later years and was, I understand not so much in compliment to Bishop Inglis, as to his distinguished son, Sir John Inglis of Lucknow fame.

Running off at right angles to Inglis street in a northerly direction until they meet Victoria Road are two streets, viz.:

## BLAND STREET.

the property having been owned by the late J. B. Bland, and

## LUCKNOW STREET,

as in immediate connection with Inglis street.

## SOUTH PARK STREET

is a continuation of Park street, called at this end south as the other end is called North Park street—the general term Park having been given to it of late years because of its skirting the Common and Horticultural Society's, now the Public Gardens.

## VICTORIA ROAD,

which runs almost diagonally through the old Smith fields, is of course, in compliment to Her Majesty.

## TOWER ROAD

which begins at the old Tower and ends at Spring Garden Road, manifestly derived its name from the Tower standing still upon the massive outcrop of slate rock.

West of the Tower Road is a street but little known called Wellington, called after the great Duke.

Then comes the road leading to the North West Arm—one, the

## BOWER ROAD,

going down to the Presbyterian Theological College, and so called from the house and property known as "the Bower," for many successive years the residence of some of the most prominent and influential men in the Province—both civil and military.

The street leading from the College corner to the entrance into Point Pleasant Park is called

## FRANCKLYN STREET,

from the fact that Colonel Francklyn owned and resided in the house now occupied by his son Mr. George Francklyn.

Of South street I have already spoken.

## COBURG ROAD

was so named from the property owned by the late William Pryor, on the borders of the Arm, who, having married Miss Barbara Foss, a German lady, whose father was landed on George's Island, when it was covered with spruce, fir and pine, naturally paid her the compliment of calling it Coburg, after Prince Leopold, of Saxe Coburg, who as the time of his building, was

married to that charming woman, Princess Charlotte, whom teh English nation so dearly loved and whose untimely death they so deeply deplored.

JUBILEE ROAD,

in like manner derived its name from the property on the N. W. Arm, owned by the late Mr. Yeomans, but first by Mr. John Pryor, who built the house in the year of George III's Juilbee which was held with great eclat in the year 1810.

ROBIE STREET,

from Hon. Simon Bradstreet Robie, who owned and cultivated a field at the head of the present Morris street, commonly called "Robie's Field"—the transition from the field to the road was natural and easy.

Running off of Spring Garden Road are several streets, the origin of whose names has always been a puzzle to me as well as a matter of curiosity. But, happily, within a few days the problem has been solved and my curiosity satisfied. I have learned from a most reliable authority, now living, how it came about that these streets were so designated. It was thus; on the western side of Spring Garden Road, beginning at the present Queen street, a large property was owned by a family whose name was Schmidt. Several houses were built upon several sites, and the whole group was familiarly called "Schmidtville"—a name which many inhabitants of Halifax, not much past middle age, were accustomed to hear constantly until the last twenty-five years. In the course of time the inheritors of this property determined for certain reasons to sell it. The land was laid out in lots with streets running through them, and in honor of their ancestors the heirs called one street

BIRMINGHAM,

because Mr. Pedley—one of the ancestors of the family—was born in Birmingham, England. Another was called

## DRESDEN ROW,

because Mrs. Schmidt, the daughter, who married Mr. Schmidt, was born in Rottenburg.

A street parallel to Birmingham and Dresden Row is known as

## BRENTON STREET,

and this was so named because the late Sir Brenton Haliburton, for more than fifty years holding a seat on the bench of the Supreme Court of Nova Scotia, owned the fields which were some thirty years ago divided into lots and sold.

In this connection I may properly mention that the street called

## BLOWERS STREET,

which runs from Granville street up to Albermarle street, was named, naturally enough, in honor of the late Chief Justice Blowers, whose life, prolonged to one hundred years, was spent during the greater part of his residence in this Province in that large house still standing at the corner of Barrington and Blowers streets and used now, as for some years past, as an hotel.

We learn from Mr. Akins' valuable essay that public gardens were much in fashion between 1753 and 1780—one styled Adlam's Garden was an extensive enclosure south of the Citadel, near the present Artillery Park—it was opened to the public, contained a pavillion and a great variety of fruit trees and shrubs. Spring Garden was another place of public resort in 1768, and a Provincial gardener was maintained at this time on an allowance of £32 10s. per annum, who perhaps was employed at the Governor's Gardens. The term "Spring Garden" was a familiar one in the old country, and simply adopted here by the early settlers. It is not difficult to see why this special road was called "Spring Garden Road."

Having assigned a reason for the names given to those streets which are on the south side of Jacob street, we may now pass to those that lie north of that original boundary line; and beginning at the water side we have a continuation of Water street, called from its relative position to the harbour, "Upper," as the southern end is called for the same reason, "Lower Water street." Having already spoken of Lockman, Brunswick and Gottingen streets, (when dealing with the "North suburbs,") I pass to

#### CREIGHTON STREET,

so-called, because running through a field formerly owned by the family of Creightons, whose ancestor in this country was John Creighton, son of a gentleman who lived in the South of England. He entered the army in early life, and was at the battle of Fontenoy. Being discharged at the peace of Aix la Chapelle, in 1748, he was placed on the half-pay list of Col. Warburton's regiment. Mr. Creighton was sent to Malagash with the Germans in 1752, and took a leading part in the settlement of Lunenburg, that name being substituted for Malagash—or more properly, Merleguish, which means "Milky Bay," where he continued to reside until his death in 1807.

#### MAYNARD STREET,

which comes next in order, was so called because the adjoining field was owned by a gentleman, Capt. Maynard, of the Royal Navy, or more properly, one field was owned jointly by Capt. Maynard and Mr. Creighton.

#### AGRICOLA STREET.

This street was named in honor of John Young, father of Sir William Young, (for many years Chief Justice of this Province), who published a series of lectures on Agriculture in the *Acadian Recorder*, during the years 1822-3-4, over the signature "Agricola"—lectures which gave a great impetus to the scientific and, hence, more profitable culture of the arable lands of this Province.

Between Brunswick and Gottingen streets there runs a comparatively short street called

MAITLAND,

after Sir Peregrine Maitland, who was Governor of the province at the time this street was opened.

There are a number of small streets, or rather short streets running parallel to these large and more important ones, such as

STARR STREET,

above the old Temperance hall (now the Lyceum), so called because it was originally part of the garden of David Starr, a man some years ago well known in this community.

MOREN STREET,

opened by J. P. Moren, who purchased part of the Bauer's field; and

BAUER STREET,

from the fact of the Bauer family owning the property through which the street runs,

There is one more lengthened street, whose name is

LONGARD STREET,

which is to be ascribed to the family of that name, who were the possessors of property in the north end of the town many years ago, and whose descendants are well known as skilful mechanics and successful men of the day.

We now come to those streets which run from east to west—from the harbor to the N. W. Arm, and the first, beginning at Brunswick—between the Garrison chapel and the old North Barracks, (the present quarters of the non-commissioned officers) called the "Pavillion"—is

## COGSWELL STREET,

It was originally named "Willow Tree St." on account of a large willow tree growing at the corner of Gottingen street, but in compliment to Hon. Henry H. Cogswell, who owned a considerable amount of property near St. Andrew's Cross, to which it led, it came to be called Cogswell street. Mr. Cogswell was one of the founders of the first Bank established in Halifax—the Halifax Banking Co.,—amassed a considerable fortune, and was the father of several sons of more than ordinary ability—Wm. Cogswell, clergyman, Charles Cogswell, physician, and James Cogswell, barrister. Though only quarter of a century ago this family appeared to be indissolubly bound up with the Province by a variety of ties, there is not to-day a single male descendant bearing the name to be found here.

From 1840 to 1846 Lord Falkland was Lt.-Governor of Nova Scotia, and the street next parallel was designated by his title. The name of this representative of royalty will be remembered for other reasons than that of one of the streets being called after him. He followed Sir Colin Campbell in office, and was here during the stormy battle fought for responsible government. His administration of the government was an important epoch in our Provincial history.

## CORNWALLIS,

was the name given to the next in order, in commemoration, no doubt, of Hon. Edward Cornwallis, commander of the expedition for founding the town of Halifax. It would have been a blunder, indeed, if, after having dropped the name originally given to the island in the mouth of the harbor, the people of this city had not applied it to some part of the city, and it is certainly a more euphonious title than the "Round Church Hill."

## CUNARD STREET,

was, I understand, originally called the road to the N. W. Arm, and probably received its new name from Samuel Cunard, or

rather the Cunard family; for the street, I understand, was known as now named before Mr. Cunard became famous as the pioneer of ocean steamers carrying the mails. Perhaps some one can inform me if the Cunards owned the property through which the street was run.

GERRISH STREET,

recalls two brothers, Joseph and Benjamin Gerrish, both of whom were prominent men in the early days. Joseph was Naval Store-keeper, and for several years held a seat in the Council; Benjamin was agent for Indian affairs, and also a member of Council. It is supposed, that the family came from New England, as the name is one frequently met there.

ARTZ LANE,

was manifestly so called from the fact of the large family of that name owning property in the vicinity.

NORTH STREET,

we may suppose, was so designated as being at the time the most northerly street of any consequence; indeed, the last street running east and west for a long period of time, and very properly so styled as virtually it was the north street of the town.

VEITH STREET,

owes its name to the fact of the family of that name owning large property in the neighborhood, as also Russell street, which is a name possessed by certain members of the same family.

So Kaye street obtained its name from the fact of the field through which the street runs having been owned by Mr. Joseph Kaye, who laid open the street, and laid it off in building lots some years ago. Young, Charles, George, Willow and West streets, recall the family of whom one still lives in Halifax, clothed with honor and years, Sir Wm. Young.

There are three lanes—Hurds, Proctors and Gray's—the first two running from Water to Brunswick street, the third from Water to Lockman Street—names, no doubt, arising from the ownership of lots or houses by the several persons who bore those names:—

Jacob Hurd, who arrived in Halifax in 1754, and carried on business; Proctor, who was an early settler; Gray, who was the owner of a large part of the lower side of Lockman street.

The streets in the district named Richmond, are, of course, of modern date, and easily traceable, as Veith from the family alluded to, Needham from the old fort Needham, Albert, Victoria and Hanover, in compliment to the Royal family, Ross, Kenny, Roome and Duggan, from persons well known in the community transacting business at the time of the laying out of this property. Musgrave, in compliment to the Earl of Musgrave, the present Marquis of Normandy, who was Lt.-Governor of the Province for a term of five years.

There are several streets running from Gottingen to Agricola, whose names are Ontario, Bloomfield, Almon, Bilby, and Macara. These, I understand from inquiry of one of the then Aldermen of the city, were named by a commission of the city authorities about the time that the Wellington Barracks were erected by the Imperial Government. For the first selection, Ontario, I can discover no assignable reason. For the last four, Bloomfield was the name of the property of Hon. Hugh Bell; Almon was given in compliment to an old and influential family, renowned for their adherence for generation after generation to the learned profession of the physician and surgeon; Macara, because of the large property in that district owned by a widow lady of that name; Bilby, because a man (who I am told is still living at a most advanced age) owned and occupied a house at the spot in Gottingen street from which the street was run.

The street which begins at St. Andrew's cross and runs in a north-west direction and is called Windsor street, derives its

name from the simple fact that it was the original road from Halifax to Windsor, then one of the most important towns in the Province.

Kempt Road was surveyed and made during the administration of Sir James Kempt, as a substitute for, or an improvement on the Windsor road, the hills being less precipitous; indeed, in this respect there could not be a more advantageous outlet from the town to the western portion of the Province.

The Lady Hammond Road, which runs from Richmond, to the Three Mile House, was made during the administration of her husband Sir Andrew Snape Hammond, who was Lt.-Governor from 1731 to 1733, and who, I have been told, had a private residence on, or near to the Governor's farm, hard by the Merkel property.

We now reach some of the quite modern streets, and it is a pleasing feature that there has been a certain method maintained in their nomenclature.

For example: we have what may be termed "groups of streets"—those on a certain newly laid out lot—called by the great oceans of physical geography—Pacific, Atlantic, Indian, Arctic, Polar street.

Then, a group named after some of the leading cities of Europe—Vienna, Berlin, Paris, Edinburgh, London, Liverpool, and Cork.

Then again, those lately laid-out streets near St. Andrew's Cross, whose names remind us of the famous siege of the stronghold of Cape Breton—the Dunkirk of America—Louisburg, Pepperel and Shirley streets.

And some from the names of trees which we are to suppose will be planted as shade trees in order to carry out the projector's idea; as Cedar, Maple, Walnut.

A few other lanes and streets have within a short space of time been opened up, but they are not of much interest, looked at from an historical point of view. Some few there are concerning which I have been unable to obtain any data on which to make any positive statement, as for instance Oxford street, than for which it appears to me no more inappropriate title could have been given. With respect to the name "Richmond", now and for some years applied to that district known as the Governor's North Farm or the Grove, I can ascertain no information whatever. Although it is manifestly a modern name, none to whom I have applied can tell me anything beyond this:—that the place was first called Richmond during the time that the late John Edward Starr conducted a large business on the site of the present Sugar Refinery. It is probable that he so designated the district.

There are a few other streets, the origin of whose names are so obvious that I need make no other allusion to them than that they were simply so called from the owners of the property through which they ran.

In brief conclusion, we cannot help observing that the nomenclature of our streets is for the most part not mere random, but the result of design. Many of them are called after British statesmen, connected with the establishment of the colony; many of them are called after citizens of renown, and whose memories we love to honor; many after men of high position and attainments who were sent here to discharge the functions of responsible offices, as Governors, Generals, Admirals, and Commissioners.

The modes of commemorating men who have served their country, their king, or their God are various; sometimes their survivors erect tombstones in the cemetery; sometimes they affix to the walls of a church tablets of marble or brass; sometimes memorial windows in buildings, dedicated to philanthropy or other sacred purposes, remind posterity of their existence and their virtues; sometimes hospitals, asylums, libraries, bear-

ing the name of the honored or beloved, are built and endowed; but while marble may crumble, and institutions die out, the streets of cities and the roads of countries will retain their names so long as the lands themselves shall last, and be known after centuries, as is to-day known the Via Sacra of the eternal city Rome; "Ibam forte via Sacra," as says Horace in one of his charming lines, as is to-day and shall be hereafter known the "Fleet Street" of London, even though grass should grow upon its adamantine base, by the simple utterance of the illustrious Johnson, "Sir, let us take a walk down Fleet street."

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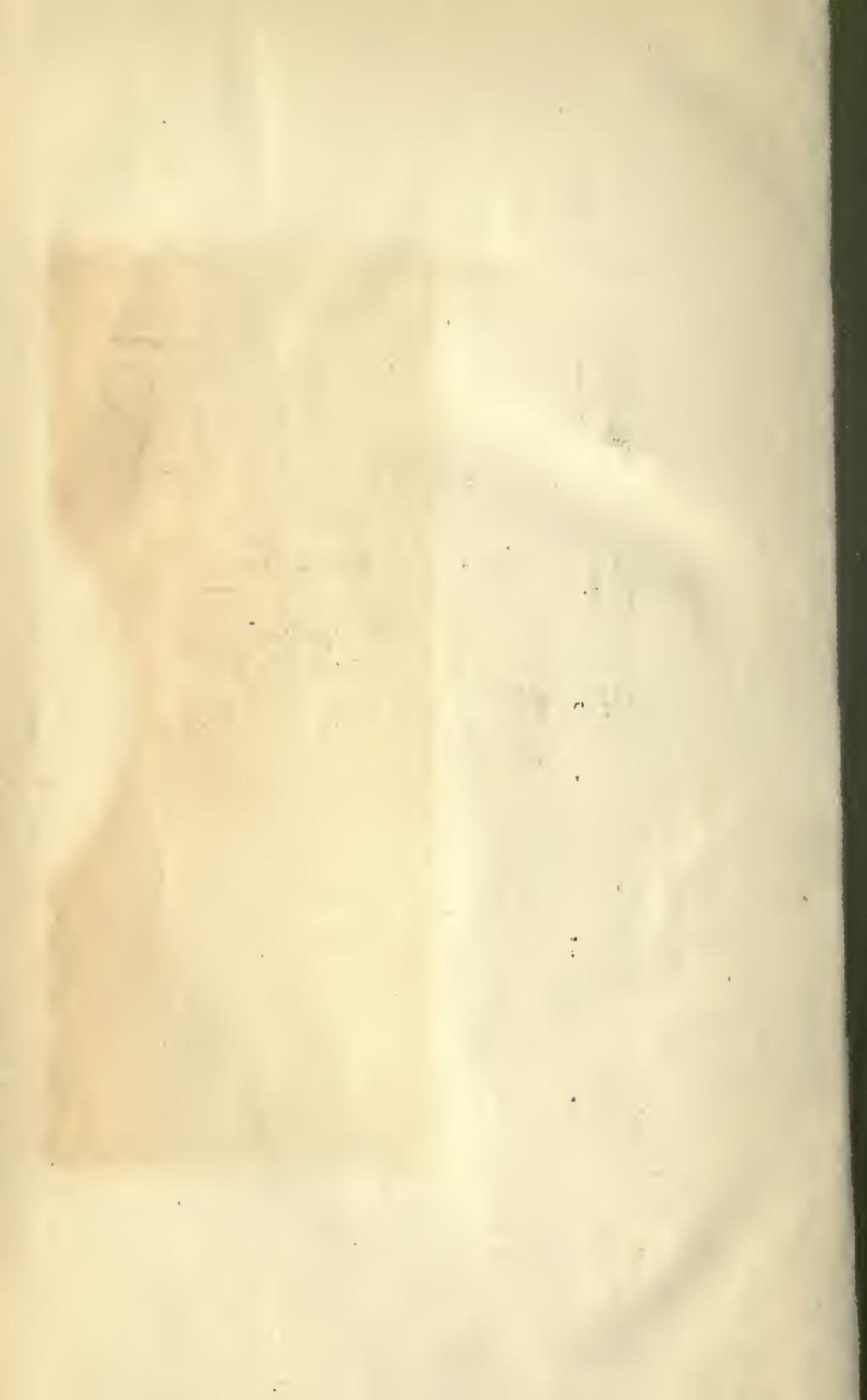
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